SCOMM

99:18

Alaska State Legislature

While in Session:
State Capitol Building
Juneau, Alaska 99801-1182
907-465-3719

Interim:
119 N. Cushman
Suite 211
Fairbanks, Alaska 99701
907-456-5081

Representative Al Vezey

SPONSOR STATEMENT

On August 14, 1867 Captain Thomas Long and the crew of the whaling bark "Nile", from New London, Connecticut, discovered Wrangel Island in the Chukchi Sea. Captain Long named the Island after the former governor of Russian Alaska, Baron Ferdinand Petrovich von Wrangel. This Island has an area of 1,740 square miles, larger than the state of Rhode Island and is located some 270 miles northwest of Cape Lisburne, Alaska.

Even though Captain Long was the first to sight and to describe Wrangel Island, the first recorded landing on the island occurred August 12, 1881, when Captain Calvin L. Hooper, commander of the Bering Sea Patrol, a division of the U.S. Treasury Department and as such, the de facto governor of Alaska, landed at Clark River on the eastern coast of Wrangel Island. With his fellow officers and John Muir (who later founded the Sierra Club) they raised the American Flag and took possession of the island in the name of the United States.

Wrangel Island and its nearby satellite island Herald Island were placed by the United States Coast and Geodetic Service within the District and later Territory and State of Alaska in publications from 1900 through 1977.

The De Long Islands of Henrietta, Jeannette and Bennett were first discovered in the East Siberian Sea and were claimed and named by U.S. Navy Commander George W. De Long during his 1879 - 1881 expedition into the Arctic where the commander and his crew died when their ship, the "JEANNETTE", was crushed and sunk by ice floes.

Captain Hooper was engaged in a Congressionally sponsored effort to rescue the "JEANNETTE", a vessel engaged in Arctic research that was locked in ice floes and subsequently lost. Therefore Captain Hooper had the authority to claim Wrangel Island for the United States.

Wrangel Island became a part of the United states by right of confirmed discovery and first possession. Later, a permanent settlement was established there when the American ship "SILVER WAVE" landed a party on the island on September 15, 1921 under the direction of Captain Jack Hammer. The party landed with provisions for only six months as they stated that they planned to sustain themselves by hunting. The relief vessel of 1922 was blocked from arriving by ice floes and it was not until August 23, 1923 that the ship "DONALDSON" arrived. The only survivor of the 1921 expedition was an Eskimo woman named Ada "Blackjack" Johnson, who died just a few years ago in Alaska.

A new party led by Charles Wells of Uniontown, Pennsylvania continued settlement on Wrangel Island and on May 13, 1924, Secretary of State Charles Evans Hughes stated that the Americans, the Lomen Brothers, were the proprietary owners of Wrangel Island.

On August 20, 1924, an armed party from the Soviet gunboat "RED OCTOBER" landed on Wrangel Island, took Wells and other Americans by force, and told them that they were being returned to Alaska. In typical Soviet fashion, they took the Americans to Vladivostok and confiscated the pelts that the American trappers had accumulated during the 12 bitter months on the island.

The Americans who survived their ordeal in Vladivostok were released following the intervention of the American Counsul at Harbin, Manchuria but Charles Wells and two residents of Alaska died while detained by the Soviet Government.

The residents of Alaska who survived were all from Golvin Bay, Alaska. They survived the severe physical and emotional trauma resulting from the assault, kidnapping, false imprisonment, theft of property together with other violations of American and Alaska law by the agents of the Soviet regime.

After seizing Wrangel Island, the Soviet government proceeded to seize more American soil by occupying the nearby and defenseless Herald Island. The Soviet government subsequently asserted a spurious claim to the American De Long Island of Henrietta, Jeannette and Bennett.

These illegal acts by the Soviet government interrupted 57 years of peaceful use of these island by American seamen, herders and hunters.

The Soviet occupation of what they refer to as Ostrova De Long is an affront to all Americans, is an insult to the memory of their brave discoverer and a source of embarrassment to the United States Navy, which memorializes his memory at the Naval Academy in Annapolis.

The soil of all five of these American islands and their surrounding continental shelf has been held by the military force of a foreign power, in contravention of international law an by conduct that is contrary to what is recognized as proper by civilized nations.

The Soviet government has typified the uncivilized conduct of socialist dictatorships by establishing forced labor camps on Wrangel Island as reported in testimony before the U.S. Senate Judiciary Committee in January of 1973. It has also been reported that Wrangel Island was the last known place of imprisonment of Raoul Wallenberg, the Swedish Consul in Budapest, Hungary, who was arrested by Soviet Forces at the end of World Way II. Mr. Wallenberg was responsible for saving the lives of thousands of European Jews from the Nazi Holocaust.

This conduct on American soil has continued in defiance of American law as well as in defiance of the international rules of conduct resulting from the Nuremburg war crime trials after World War II. The continuing trespass by the Commonwealth of Independent States, the heir to the despicable former Soviet Union, deprives the State of Alaska an its people of their fundamental right to use the islands of Wrangel, Herald, Henrietta, Jeannette and Bennett together with the surrounding continental shelf and its valuable resources.

Unlike the government of Canada and Great Britain, the United States has never surrendered its claims of sovereignty over these islands.

The then Secretary of the U.S. Department of State, James Baker III, negotiated a treaty to give the islands of Wrangel, Herald, the American De Long Island of Henrietta, Jeannette and Bennett and Copper Island, Sea Lion Rock and Sea Otter Rock on the west end of the Aleutian Chain and their territorial shelf to the Former Soviet Union.

Secretary Baker also signed a secret side agreement that stated the Bush administration would recognize the treaty "in force" until such time as the United States Senate ratified the proposed treaty. The Secretary had no authority to make such agreements. American government is not permitted to enter into secret international treaties.

The sponsor of this bill does not believe that agreements between the United States and the former Soviet Union, which no longer exists, whether they be secret or otherwise, can affect American claims to these islands until they have been ratified by the United States Senate.

The sponsor of this legislation believes that the State of Alaska and the American Government should assert and reassert American sovereignty over Wrangel Island, Herald Island, and the De Long Islands of Henrietta Jeannette and Bennett and Little Diomede Island in the Bering Strait, their resources, and their territorial shelf in the behalf of the American people. We further propose that the maritime boundary between Alaska and eastern Russia not be established until and unless the State of Alaska is formally represented in the negotiations and it's consent obtained.

FISCAL NOTE

STATE OF ALASKA
1995 LEGISLATIVE SESSION

BILL NO. HJR 22

Revision Date:
Title: "Relating to the maritime boundary between Alaska and the former Union of Soviet Socialist Republics"
Sponsor: Representative Vezey
Requester: Governor's Office

Dept. Affected: Department of Law
BRU: Legal Services
Component: Operations
COMPONENT SERIAL NO. 0093

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL	150.0	0.0	0.0	0.0	0.0	0.0
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	150.0	0.0	0.0	0.0	0.0	0.0
CAPITAL EXPENDITURES						
CHANGE IN REVENUES ( )						

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	150.0	0.0	0.0	0.0	0.0	0.0
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	150.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY95) cost: $ 0.0

POSITIONS

FULL-TIME	0.0	0.0	0.0	0.0	0.0	0.0
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

HJR 22 declares that because the proposed United States - U.S.S.R. Maritime Boundary Agreement was not put into force before the dissolution of the U.S.S.R., the agreement does not have legal force, and any agreement on a maritime boundary between Alaska and eastern Russia must be negotiated anew with whatever new foreign government has sovereignty at the time. The resolution further declares that for such an agrement to be negotiated by the United States government, Alaska must be formally represented in the negotiations and its consent obtained. HJR 22 also requests that the Governor, in consultation with the Attorney General, prepare and provide to the Legislature, within 120 days after passage of the resolution, a study of the legal aspects of the maritime boundary proposed in the Agreement in order to determine the following:

Richard I. Pegues
Prepared by: Richard I. Pegues, Director — Phone: 465-3672
Division: Administrative Services Division — Date: 2/6/95

Richard I. Pegues (FOR)
Approved by Commissioner: Bruce M. Botelho, Attorney General — Date: 2/6/95
Agency: Department of Law

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ANALYSIS CONTINUATION:

(1) what effect the boundary would have had on the state's sovereignty over Wrangell, Herald, Bennett, Jeannette, and Henrietta Islands in the Arctic, over Copper Island, Sea Otter Rock, and Sea Lion Rock on the western end of the Aleutian Chain, and over Little Diomede Island in the Bering Strait;

(2) what effect, including an appraisal of the dollar values involved, the proposed boundary would have had on the state' property interests in the areas in (1) identified above and their territorial seas and seabeds;

(3) what legal actions Alaska could take to prevent the usurpation, abrogation, or cession of state sovereignty over these islands and their territorial seas and seabeds and to recover just compensation for the taking of Alaska property if attempts are made to enforce the proposed maritime boundary.

Finally, HJR 22 requests the U.S. Department of State to reveal any and all acts, directives, and reports regarding implementation of the side agreement, signed by then Secretary of State James A. Baker III and that bound the United States and the U.S.S.R. to abide by the proposed agreement until it was put into force, and respectfully requests the Governor and the Attorney General to investigate whether any actions in this matter may have violated state law and to report on their findings to the Legislature within 120 days after passage of HJR 22.

The actions requested of the Governor and the Attorney General involves issues of international law and records of transactions that are available only in Washington, D.C. Therefore the Department of Law will require the services of an international law expert resident in Washington, D.C. to fulfill the request. The amount involved in this fiscal note will purchase about 500 hours of such an expert's time.

FISCAL NOTE

STATE OF ALASKA
1995 LEGISLATIVE SESSION

BILL NO. HJR 22

Revision Date: _____

Department Affected: Office of the Governor

Title: "A Resolution Relating to the maritime boundaries between Alaska and the former Union of Soviet Socialist Republics".

BRU: All BRUs

Component: All Components

Sponsor: Representatives Vezey, Ogan, Toohey

Requestor: _____

COMPONENT SERIAL NO. _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL	0	0	0	0	0	0
CONTRACTUAL	0	0	0	0	0	0
SUPPLIES	0	0	0	0	0	0
EQUIPMENT	0	0	0	0	0	0
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0
CAPITAL EXPENDITURES						
CHANGE IN						
FUND SOURCE						
1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
OTHER						
TOTAL	0	0	0	0	0	0
POSITIONS						
FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of any current year (FY95) cost: _____

ANALYSIS: (Attach a separate page if necessary.)
No fiscal impact

Prepared by: Michael A. Nizich, Director

Phone: 465-3876

Division: Division of Administrative Services

Date: 1/31/95

Approved by Commissioner: Jim Ayers, Chief of Staff

Agency: Office of the Governor

Date: _____

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Rev 11/93

Curriculum Vitae

MARK SEIDENBERG

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Education: A.A., Los Angeles City College, Los Angeles, CA
B.A., San Francisco State College, San Francisco, CA
M.S.A., California State University Dominguez Hills

Current positions: Senior Traffic Management Specialist,
(LWOP) United States Department of
Agriculture

Vice Chairman, State Department Watch
Nonpartisan foreign policy watchdog group
founded in 1984. Testified before U.S.
Senate Committee on Foreign Relations on the
proposed US-USSR Maritime Boundary Agreement

Curriculum Vitae

CARL OLSON

P.O. Box 6102
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Education: B.A., Pomona College, Claremont, California
M.B.A., Columbia University, New York City
M.S., Columbia University, New York City

Current positions: Adjunct professor of finance, accounting, and taxation at Chapman University, University of La Verne, and Moorpark College

Chairman, State Department Watch
Nonpartisan foreign policy watchdog group founded in 1984. Testified before U.S. Senate Committee on Foreign Relations on the proposed US-USSR Maritime Boundary Agreement

Lieutenant Commander, USNR (Retired)

Carl Olson
P.O. Box 6102
Woodland Hills, California 91365

February 16, 1995

Ms. Sharon Young
State Recorder
3601 C Street #1180
Anchorage, Alaska 99503-5947

Dear Ms. Young:

Your directive to your recorder's offices of February 19, 1993, came as an incredible shock to me. A copy of the directive is enclosed.

Since I am the person referred to who wanted to record a quitclaim deed regarding Wrangell Island in the Chukchi Sea part of Alaska, I am truly alarmed that your decision was based on purely political motives and was intentionally made to prejudice international negotiations. I am further alarmed that you would take such actions to prejudice the boundary negotiations <u>against</u> the State of Alaska and the United States governments (which have their own property interests at stake along with individual landowners).

Let me ask you to respond to the following points:

1. Did you seek any legal advice for your decision, and if so, from whom?

2. Did you realize when you wrote this directive in 1993 that the proposed "1991 boundary treaty" was not in force, and therefore had no relevance? It is still not in force.

3. Did you realize that for all the negotiations regarding a potential maritime boundary between Alaska and Siberia, the State of Alaska has been systematically and wrongfully excluded from the negotiations, and that the State Legislature has passed strong protest resolutions about the unconstitutionality of this procedure and the exceptional value of the property and sovereignty at stake?

4. Do you realize that your actions make it seem that you support the Russian/Soviet side against Alaska and the United States?

5. Do you realize that your language apparently defames and libels me and may be actionable?

6. Do you realize that the "at least one document that did find its way into the record" is probably the original deed of mine on Wrangell Island which was properly recorded at Nome in 1985, and that your assertion that deeds for Wrangell Island can no longer be recorded must be either an administrative oversight or a declaration of cession of Wrangell Island from Alaska?

7. Do you realize that numerous other deeds have been properly recorded in Nome and elsewhere in Alaska regarding Wrangell Island?

8. Do you realize that your spelling of the island as "Wrangel" is the Russified spelling, which again shows an unfortunate bias? In all the Alaskan and English usages, the actual spelling is "Wrangell" with two l's.

I urge you to reconsider your policy as quickly as possible, so as to rescind it and allow recordations regarding Wrangell Island. Please advise me soonest on this critical issue.

Sincerely,

Carl Olson

Carl Olson

cc: Distribution list

February 19, 1993

Directive to Recorder's Offices from Sharon Young, State Recorder

"I am taking this opportunity to issue an alert to all Recording Offices to keep an eye out for documents affecting Wrangel Island property. While these would likely be directed to the Nome office, it is possible that they might also be directed to some other office, hoping that they would find their way into the public record anywhere in Alaska. The important thing to remember is that Wrangel Island is not within any recording district boundary in the state and cannot be accepted for recording. Purported landowners of Wrangel Island property have recently sought authorization from the State Recorder's Office to record their documents in Nome; this authorization was not given. Some of you may be aware of the colorful history associated with Wrangel Island; Wrangel Island property interests have been the subject of numerous attempts to record documents in Alaska in the past, and we are aware of at least one such document that did find its way into the record. There have been conflicting international claims to the island for years; both the United States and Soviet Union have claimed ownership. U.S. citizens who own property there are hoping that recordation of their claims in official state records in Alaska will support their position and undermine negotiations which could result in the U.S. loss of ownership. (Under a 1991 boundary treaty with Russia, the island lies inside the Soviet side of the boundary.) The recording system in Alaska has no interest or desire in becoming embroiled in international disputes and will not subject itself to being used to further the interests of the purported landowners. Therefore, be aware of this situation and be especially alert to any attempts to try to slide a Wrangel Island document into the record, perhaps even in conjunction with some other transaction." Sharon.

SACRAMENTO ADDRESS
STATE CAPITOL
P.O. BOX 942849
SACRAMENTO, CA 94249-0001
(916) 445-8366

DISTRICT ADDRESS
10[illegible] WHITE OAK, SUITE 124
C[illegible] ADA HILLS, CA 91344
(818) 368-3838

Assembly
California Legislature

PAULA L. BOLAND
MEMBER OF THE ASSEMBLY
THIRTY-EIGHTH DISTRICT

COMMITTEES
HOUSING & COMMUNITY DEVELOPMENT
LOCAL GOVERNMENT
PUBLIC SAFETY
UTILITIES & COMMERCE

June 5, 1991

Honorable Joseph Biden, Jr.
United States Senate
Washington, D.C. 20510

Dear Senator Biden:

The purpose of this letter is to request further study concerning the Soviet-Alaska Maritime Boundary Treaty.

As an Assemblymember from California, I support the State of Alaska, or any State, in its rightful position of participation in any boundary negotiations involving its boundaries with the Soviet Union. The rights of states to be involved in determining their own boundaries must be upheld.

I ask that you and the other subcommittee members look upon this request favorably. Thank you for your time.

Sincerely,

Paula L. Boland

PAULA L. BOLAND
38th Assembly District

PB/kf

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Exhibit 59

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CHAIRMAN
CULTURE AND WATER
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RANCE, CLAIMS AND
PORATIONS
RAL RESOURCES AND
FLIFE
L CAUCUS

California State Senate

SENATOR

DON ROGERS

Sixteenth Senatorial District

PLEASE RESPOND TO:

☐ SACRAMENTO OFFICE
STATE CAPITOL
SACRAMENTO, CA 95814
916-445-8837
FAX 916-445-4015

☐ 1328 H STREET
BAKERSFIELD, CA 93301
805-395-2927
FAX 805-861-8413

☐ 804 NORTH IRWIN
HANFORD, CA 93230
209-582-2549
FAX 209-582-3193

☐ 528 BARSTOW ROAD
BARSTOW, CA 92311
619-256-5805

☐ P.O. BOX 621
RIDGECREST, CA 93555

1060 NORTH NORMA
RIDGECREST, CA 93555
619-446-4116

June 11, 1991

Honorable Joseph Biden, Jr.
Chairman, Subcommittee on
European Affairs
United States Senate
Washington, D.C. 20510

Dear Senator Biden:

With respect to your committee's consideration of the proposed U.S.-U.S.S.R. Maritime Boundary Treaty, I would like to express the grave reservations that are contained in the enclosed copy of Senate Joint Resolution 20. This measure is a follow-on to Assembly Joint Resolution 37 which passed nearly unanimously in 1987 on the same subject matter.

Every state and all Americans have a compelling interest in this matter. As you know, the State Government of Alaska has never been permitted to participate in any of the negotiating sessions, or is its consent being currently contemplated for the boundary terms.

I urge you to reject the treaty in its present condition, to request the President and Secretary of State to include the State Government of Alaska in a new round of negotiations and to require the consent of the State of Alaska to any terms of a treaty that affects its boundaries or territory.

Thank you for your timely assistance in this matter.

Sincerely,

Don Rogers

DON ROGERS

DAR:abr

Enclosure

Exhibit 60

CALIFORNIA WESTERN INTERNATIONAL LAW JOURNAL

VOLUME 11 WINTER 1981 NUMBER 1

1980-81

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Exhibit 61

THE UNITED STATES CLAIM TO WRANGEL ISLAND: THE DORMANCY SHOULD END

At the base of international law lies the notion that a State occupies a defined part of the earth's surface.[1] Upon this foundation international law prescribes the legal modes of territorial acquisition,[2] among which discovery, occupation, conquest, cession, accretion, assimilation, and prescription have been accepted under customary international law.[3] The rules governing these modes are derived from two considerations: the prior legal status of the territory, and the way in which the claimant state obtained its possession and control.[4]

This Comment evaluates the competing United States and Soviet claims to Wrangel Island. Wrangel Island is located eighty nautical miles north and 160 nautical miles west of the Siberian coast.[5] It is a habitable island surrounded by frozen seas. Presently the island hosts a small Russian colony engaged in scientific research.[6] It is hoped that the legal arguments presented here will facilitate a reconsideration of the presently dormant United States claim to the Island.

As far back as 1925 Wrangel Island was considered by explorers to be a strategic site for an air base, as the shortest air routes between the industrial centers of the world cross through the Arctic Circle.[7] For years conflicting claims to this island by the world's two super-powers have been unresolved. The Soviet's have maintained possession since 1924 when they forcibly removed a United States colony, and for the past fifty-six years the United States' claim to the island has remained dormant. In light of recent United

1. J.L. BRIERLY, THE LAW OF NATIONS 163 (1963).

2. 1 G. HACKWORTH, DIGEST OF INTERNATIONAL LAW 3916 (1940).

3. C. RHYNE, INTERNATIONAL LAW 102 (1971); J. L. BRIERLY, LAW OF NATIONS, 91-102 (6th ed. 1963); W. BISHOP, INTERNATIONAL LAW 400-21 (1971); 2 M. WHITEMAN, DIGEST OF INTERNATIONAL LAW 1028-1231 (1971); G. VON GLAHN, LAW AMONG NATIONS 273 (1976).

4. M. SORENSON, MANUAL OF PUBLIC INTERNATIONAL LAW 321 (1968).

5. 1 G. HACKWORTH, DIGEST OF INTERNATIONAL LAW 464 (1940) [hereinafter cited as HACKWORTH].

6. V. STEPHANSSON, THE FRIENDLY ARCTIC 693-96 (1969); Y. SEMYONOV, SIBERIA 385 (1963).

7. D.M. LE BOURDAIS, NORTHWARD ON THE NEW FRONTIER 16 (1931) [hereinafter cited as LE BOURDAIS]. *See also* ASIA MAGAZINE 291 (April 1925).

States-Soviet confrontations and Soviet nuclear deployment, the island has acquired a mounting strategic significance supporting a reexamination of claims to this territory.

United States-Soviet concern over the dangers of nuclear development and deployment have been manifested by the negotiation of a SALT II Treaty.[8] Although SALT II has an uncertain future, the issues discussed during negotiations illustrate the potential utility of United States sovereignty over Wrangel Island.[9] Throughout the United States Senate ratification hearings opponents of the treaty contended that verification arrangements were inadequate.[10] They emphasized that the loss of the United States' listening post in Iran, where Soviet missle deployment had been monitored, greatly reduces United States verification capabilities.[11] This loss of the Iranian listening post provides the impetus for the United States to reassess its verification capabilities and a unique opportunity to reevaluate the United States policy towards Wrangel Island.

Article XV of the Salt II Agreement enumerated the various methods for verifying compliance with the Treaty's terms.[12] The technical means of verification consist of photo-reconnaissance satellites, land based radar, and other intelligence systems based on ships and aircraft.[13] An integral part of United States verification procedures consists of land based radar stations.[14] Geographically,

8. Secretary of State Cyrus Vance, Letter of Submittal June 21, 1979, *reprinted in* 18 INT'L LEGAL MATS. 1119 (1979). "I firmly believe that SALT II Treaty will measurably strengthen strategic stability and help reduce the risk of nuclear war. It is a major contribution to the national security of the United States."

9. Secretary of State Cyrus Vance, Letter to President of Submittal of SALT II Agreement, June 21, 1979, United States Department of State Publication 8984, SALT II Agreement, Vienna, June 18, 1979, Selected Documents No. 12A, at 3-50, *reprinted in* 18 INT'L LEGAL MATS. 1119 (1979) [hereinafter cited as Salt II Selected Documents]. "Article XV sets forth important rules which facilitate verification of compliance with the provisions of the Treaty. To verify compliance, each party will use intelligence gathering capabilities known as national technical means. These include highly sophisticated technical equipment such as photo-reconnaissance satellites, land based radars, radar and other intelligence systems based on ships and aircraft which we use to monitor Soviet missile tests."

10. Lall, *Salt and the Coming Public Debate*, 65 WOMAN LAW. J. 29 (1979). *See also* Lodal, *SALT II and American Security*, 57 FOR. AFF. 245 (1978-79).

11. Lall, *supra* note 10, at 29.

12. Salt II Selected Documents, *supra* note 9, at 1155-56. Article XV of the SALT II Treaty states that: "For the purposes of providing assurance of compliance with the provisions of the Treaty, each party shall use national technical means of verification at its disposal in a manner consistent with the generally recognized principles of international law."

13. *See* note 9 *supra*.

Wrangel Island penetrates 160 miles into the Russian territorial sphere.[15] An American radar station here would increase the United States' ability to monitor nuclear deployment in the Soviet Union and reduce the risk of nuclear war.[16]

In examining the United States' rights to Wrangel Island this Comment utilizes the classical analysis of territorial acquisition under international law. First, the historical background of Wrangel Island will be discussed and the competing claims to the Island will be identified. The body of the Comment will analyze these claims in connection with the accepted modes of territorial acquisition. The United States and Soviet claims will then be evaluated for their strengths and weaknesses under international law. The reasons for examining the United States title to Wrangel Island will be reiterated before concluding with suggestions on implementing the United States claim.

I. HISTORICAL BACKGROUND OF WRANGEL ISLAND

The first recorded mention of Wrangel Island came in 1823 when Baron von Wrangell, a Russian explorer postulated the existence of the Island.[17] First sighted in 1849 by a British ship,[18] the island was later named after the Russian explorer by the captain of an American whaling ship in 1867.[19] During this same year, the United States and Russia entered into a treaty which ceded the Alaskan territory to the United States. However, there was no mention of Wrangel Island in the treaty.[20]

It was not until 1881 that the first recorded landing and claim to Wrangel Island was made by Captain Calvin Hooper of the United States Revenue Cutter Service (now the United States Coast Guard).[21] Hooper was captain of the *Corwin* and commander of

15. *See* note 5 *supra*.

16. *See* note 8 *supra*.

17. Hooper, *The Discovery of Wrangel Island, reprinted in* 24 OCCASIONAL PAPERS OF THE CALIFORNIA ACADEMY OF SCIENCES 24 (February 21, 1956) [hereinafter cited as Hooper].

18. Letter by William Phillips for the Secretary of State to the Ambassador to Great Britain, Sept. 12, 1922, *reprinted in* 1 FOREIGN RELATIONS DOCUMENTS 281 (1923).

19. *Id.*

20. Cession of Alaska, *done*, June 20, 1867, 15 Stat. 539, T.S. No. 301 [hereinafter cited as Cession of Alaska].

21. "As soon as the official shore party had completed the formalities of discovery, a careful search was made along the shore in each direction for evidences of a landing of any kind. After several hours of searching it became impossible to remain at anchor any longer. [illegible] of their visit the *Corwin* [illegible] her way out to the lead . . . outside the Soviet Union, geographers and historians agree that an American Calvin L. Hooper, commanding the United States Revenue Cutter, Corwin, was the first to set foot on this arctic wasteland and claim it in the name of his country." Hooper, *supra* note 17, at 6-7.

the Bering Sea Patrol. The United States Congress acknowledged Hooper's discovery by publishing his submitted report as Senate Executive Document No. 204.[22] Three weeks later another United States vessel, the *Rodgers*, landed at Wrangel Island and found the American flag left by Hooper. The crew occupied the Island for three weeks and carried out an extensive geographic survey, making the only map of the Island available for the next thirty-three years.[23]

No other landing on Wrangel Island was recorded until 1911[24] when the crews of two Russian ice-breakers, the *Taimuir* and *Vaigach* went ashore. After constructing a thirty-five foot beacon, the Russians abandoned the island.[25]

In 1914 the crew of the *Karluk*, one of the three boats in a Vilhjalmur Stephansson geological expedition, was marooned on Wrangel Island[26] when the ice trapped their boat and carried it to the island's shores.[27] The captain, an American citizen, travelled by foot to Siberia for help. The remaining crew members were Canadian, and during their six-month wait they claimed the Island for the British Empire.[28] They did, however, voluntarily leave when an American ship came to their rescue.[29]

In 1916 the Russians issued a diplomatic proclamation in which they claimed sovereignty over certain Arctic regions under a "sector" theory. Wrangel Island was within one of the regions they claimed.[30]

22. *Id.* at 11.

23. V. STEPHANSSON, THE ADVENTURE OF WRANGEL ISLAND 20 (1925) [hereinafter cited as STEPHANSSON].

24. *Id.* at 395; GEOGRAPHICAL JOURNAL OF THE ROYAL GEOGRAPHICAL SOCIETY OF LONDON (Dec. 1923).

25. STEPHANSSON, *supra* note 23, at 22.

26. *Id.* at 24.

27. *Id.*

28. *Id.* at 25.

29. *Id.*

30. *Id.* at 22-23.

> The Imperial Government takes this occasion to set forth that it considers as making part of the empire the islands Henriette, Jeanette, Bennett, Herald and Oujedinenia, which with the New Siberian Islands, Wrangel and others situated near the Asiatic coast of the Empire, form an extension toward the north of the continental shelf of Siberia.

Id.

Ignoring the Russian claims the *Silver Wave*, an American sloop, landed at Wrangel Island in 1921. This expedition, promoted by Stephansson, set out to further explore the resource and airbase potential of Wrangel Island.[31] Unfortunately, heavily frozen waters surrounding the Island delayed their supply ship, the *Donaldson*, until September, 1923, at which time the only survivor of the *Silver Wave* expedition was an Eskimo woman. The *Donaldson* left ashore a group of America[illegible] and American Eskimos to colonize the Island.[32] This col[illegible]ther Stephansson enterprise, began trapping, hunting, and prospecting for a profit.[33] Early in 1924 Stephansson sold the Arctic Exploration and Development Company along with his economic rights on Wrangel Island to Carl Lomen, an American citizen. Lomen, who became the new employer of the American colony on Wrangel Island, re-asserted America's claims, assumed supervision over the fur trapping, and began planning for walrusing and sealing operations.[34] In an attempt to provide supplies for the colony[35] three American Coast Guard vessels tried in vain to penetrate the frozen waters and reach the Island early in the summer of 1924.[36] Later that summer a Soviet gunboat, the *Red October*, arrived at Wrangel Island and forcibly removed the American colony.[37] The United States government did not immediately object to or confront the Soviet Union concerning the incident. Four years later, however, the United States government expressly rejected the Soviet "sector" theory as a basis for acquiring Arctic territory.[38]

The next recorded expedition to Wrangel Island was made in 1935 by a Soviet ship, the *Krasin*, led by Captain Katmanov.[39] By

31. *Id.* at 67-90.
32. *Id.* at 298.
33. *Id.*
34. *Id.* at 302.
35. New York Times, Oct. 18, 1924; STEPHANSSON, *supra* note 23, at 307.
36. *Id.*
37. *Id.*
38. HACKWORTH, *supra* note 5, at 46[illegible], contains excerpts from a letter from Secretary of Navy Adams to Secretary of State Stimson, Sept. 23, 1929, regarding the Department of the Navy's reaction to the "Sector Theory": partitioning the Arctic region into sectors of five contigous countries: United States, Canada, Denmark, Norway, Russia. It stated

> The course of action proposed . . .
> (b) contains no justification for claiming sovereignty over large areas of the world's surface
> (c) violated the long recognized custom of establishing sovereignty over territory by right of discovery.

39. "He succeeded in passing into difficult waters surrounding Wrangel and Herald Islands. The expedition covered areas west and east of Wrangel. Better knowledge of

1941 the Soviets had set up scientific laboratories on the Island and it has been occupied by a small colony of Eskimos, Chukchi, and White Russians ever since.[40]

Both the Soviet Union and the United States may look to historical events in support of their claims to Wrangel Island. Consequently, each nation's claims will be analyzed for their legal significance under the modes of territorial acquisition in customary international law.[41]

The events on which the Soviet Union may b[illegible]r claim are the 1822-1823 Arctic expeditions of Baron von Wrangell, the Alaskan Treaty of 1867, the 1911 landing of the *Taimuir* and the *Vaigach*, a 1916 territorial proclamation, and Russian influence over the Island since 1924.

The United States may justify its claim to Wrangel Island through the discovery by Captain Hooper in 1881, the subsequent landing of the *Rodgers*, the marooning of the *Karluk* in 1914, the American occupation in 1923, the purchase of property and economic rights in 1924, and the United States rejection of the "sector" theory in 1928.

II. APPLICATION OF INTERNATIONAL LAW TO THE CLAIMS MADE BY RUSSIA AND THE UNITED STATES

The foundations and sources of international law utilized in this context are enumerated in Article 38 of the Statute of the International Court of Justice.[42] These sources consist of treaties, customary international law, principles of international law, judicial writing, and state practice.[43]

Wrangel and Herald Islands as well as of the waters surrounding them was the result of the undertaking." T.A. TARACOUZIO, SOVIETS IN THE ARCTIC 100 (1938).

40. *See* note 6 *supra*.

41. The accepted modes of territorial acquisition have been discovery, occupation, accretion, cession, conquest, assimilation, and prescription. *See* note 3 *supra* and accompanying text.

42. Statute of the International Court of Justice, Annexed to the Charter of the United Nations, *done* June 26, 1945, 59 Stat. 1055, T.S. No. 993 25 (June 26, 1945), Article 38 states:

> 1. The Court whose function is to decide in accordance with international law such disputes that are submitted to it shall apply:
> a) international conventions, whether general or particular, establishing rules expressly recognized by the contesting states;
> b) international custom, as evidence of a general practice accepted as law;
> c) general principles of law recognized by civilized nations;
> d) subject to the provisions of Article 59, judicial decisions and teaching of the most highly qualified publicists of various nations, as subsidiary means for determination of rules of law.

43. *Id.*

In the absence of a treaty the accepted means of territorial acquisition come under customary international law.[44] An analysis at this level must include considerations of the legal status of the territory and the way in which possession was obtained.[45] In addition, the longevity of some of the claims to Wrangel Island makes it necessary to apply the legal doctrines of several time periods. In other words, when discussing a particular claim, its significance must be appreciated in light of the law contemporary with the claim, as well as with present legal doctrine.[46]

A. Discovery

There are no treaties between the Soviet Union, the United States, or any other nation which clarify the discovery rights over Wrangel Island. Customary legal doctrine must therefore be examined to determine the legitimacy of proposed claims. Historically and customarily discovery has been given legal significance in territorial claims[47] and the formal taking of possession—the symbolic act[48]—has generally been regarded as being sufficient to establish an immediate right of sovereignty over areas claimed.[49] This was an accepted principle under this customary mode of territorial acquisition.[50]

As far back as the sixteenth century Portuguese discoveries were characterized by the construction of physical signs of possession, usually without any formal recorded declarations.[51] In 1523 Charles V of Spain, in a letter to the Spanish Ambassador in Portugal, stated that taking possession of discoveries by explorers called in practice for nothing more than symbolic formalities. Effective occupation or control was unnecessary.[52] In France, the erection of a cross or pillar bearing a metal plate with some suitable inscription

44. *See* note 3 *supra*.

45. *See* note 4 *supra*.

46. 1 G. SCHWARZENBERGER, INTERNATIONAL LAW AS APPLIED BY INTERNATIONAL COURTS AND TRIBUNALS 290 (1957).

47. A. KELLER, O. LISSITZYN, & F. MANN, CREATION OF RIGHTS OF SOVEREIGNTY THROUGH SYMBOLIC ACTS 4 (1938) [hereinafter cited as KELLER, LISSITZYN & MANN]. Discovery consists of a purposeful act of exploration or navigation accompanied by a visual apprehension, a landing, and some other marking or recording such visit, but not acts expressive of possession.

48. *Id.* at 148.

49. *Id.*

50. *Id.*

51. *Id.* at 28-32. *See also* Republication of the Ambassador of Portugal (June 7, 1562) GREAT BRITAIN CALENDAR OF STATE PAPERS, Foreign Series, at 75 (1562).

was deemed quite sufficient to establish valid title to a claimed area.[53] In 1776 Captain Cook received secret instructions from his superiors to take possession of any lands he might discover for England. In uninhabited areas he was instructed to leave "proper marks and inscriptions as first discoverers and possessors."[54]

Recent writers have maintained that these acts of discovery gave an 'inchoate' title to territory; during the time necessary to establish effective possession after discovery, other states are legally excluded from occupying the territory concerned. Historically, discovery gave an immediate title to territory, whereas modern principles postulate an uninterrupted right to acquire title after discovery.

The first chronological claim to Wrangel Island originates with the Russian Polar Seas expedition led by Baron von Wrangell in 1822-1823. However, Baron von Wrangell neither landed on, nor sighted the Island on this voyage.[56] Under customary acts of discovery and European state practice the activities of Baron von Wrangell would appear insufficient to support a legal claim to Wrangel Island.[57] Wrangell conceded this by his own admission that "with a painful feeling of the impossibility of overcoming the obstacles with which nature opposed us, our last hope vanished of discovering the land which we yet believe to exist."[58]

The next claim to Wrangel Island, again a Soviet one, is based upon their theory that the Island was implicitly granted to them under the terms of 1867 Treaty ceding Alaska to the United States. There is, however, no language in the treaty which could be construed as expressly or impliedly granting Russia dominion over the

53. *Id.* at 131.

54. *Id.* at 96. *See also* "Secret Instructions For Captain James Cook, Commander of His Majesty's Sloop and Resolution," Navy Records Society III, 357-61.

55. H. KELSEN, PRINCIPLES OF INTERNATIONAL LAW 214-15 (1952).

56. Hooper, *supra* note 17, at 24. Many years later the Soviets claimed that Lieutenant Wrangell had actually discovered the island but unfortunately for their claim, Wrangell himself in his book, THE NARRATIVE OF A VOYAGE TO THE POLAR SEAS IN THE YEARS 1821, 1822, AND 1823, wrote:

> with a painful feeling of the impossibility of overcoming the obstacle with which nature has opposed us, our hopes vanished of discovering the land which we yet believe to exist. . . we had done what duty and honor demanded, further attempts would have been absolutely hopeless and I decided to return.

57. Accepted modes of territorial acquisition consist of: discovery occupation, conquest, cession, accretion, and prescription. Baron von Wrangell's expedition did not satisfy any of these modes. *See* note 3 *supra* and accompanying text.

58. *See* note 56 *supra*.

lands in the vicinity of Wrangel Island.[59] Article I of the treaty, the pertinent provision, merely sets forth the limits of the territory expressly ceded to the United States.[60] Russia was not then advocating any claim to Wrangel Island nor was the United States yielding any rights to subsequently claim the Island. This treaty, which solely concerns the possession of the Alaskan Territory, is still in force today.[61]

The first United States claim to Wrangel Island was established by the landing of Captain Hooper in 1881.[62] Hooper, upon discovery, claimed the Island as a United States possession by manifesting the symbolic formalities accepted under both customary international law and the historic practices of European nations.[63] His acts of discovery consisted of planting the American flag, making a proclamation of United States possession, and leaving a complete record of the landing.[64]

In 1931 discovery was held to give valid territorial title in the international community when a dispute between France and Mexico concerning the possession of Clipperton Island was arbitrated by the King of Italy.[65] The King ruled in favor of the French, supporting their territorial claim on the basis of discovery.[66] The facts are as follows: in 1851 a French naval officer sailed by the coast of Clipperton Island and drew up an instrument claiming the island for France. Crew members landed on the island and recorded their findings. No record of any other occupation was made until 1897 when the island became inhabited by Mexicans claiming an ancient right to the island. The Mexicans contended that the island was first discovered by the Spanish and that the title passed to Mexico as the successor of Spain.[67] After years of dispute between Mexico and France the question of sovereignty over the island was submitted for arbitration by the King of Italy.[68]

59. Cession of Alaska, *supra* note 20.

60. *Id.* Article I: The western limit within which the territories and dominion conveyed, are contained, pass through a point in Behring's [sic] straits on the parallel of sixty-five degrees thirty minutes north latitude. . . ."

61. *Id.*

62. Hooper, *supra* note 17, at 4-6. "Captain Hooper's sailing instructions, his preparations, and the details of the voyage which led to the discovery of the new land in the Arctic." *See also* notes 21 and 22 *supra*.

63. *See* notes 47-54 *supra*.

64. *See* note 18 *supra*.

65. Arbitral Award of His Majesty the King of Italy on the Subject of the Differences Relative to the Sovereignty over Clipperton Island (France-Mexico) Jan. 28, 1931, *reprinted in* 26 AM. J. INT'L L. 390 (1932).

66. *Id.*

67. *Id.*

When the Mexicans could not bring forth any proof of the Spanish discovery, the King ruled in favor of France. In his decision the King stated: "From the first moment when a state makes its appearance in an uninhabited territory the taking of possession must be considered as accomplished and the occupation thereby completed."[69]

The facts surrounding the claims to Clipperton Island are analagous to those relating to the discovery of Wrangel Island. Hooper's landing on Wrangel Island constituted an "appearance" on an uninhabited territory; his landing represented the first taking of possession of the island. The fact that he and his crew subsequently left the Island does not diminish the United States claim, just as the French departure from Clipperton Island did not diminish their claim. According to this judicial application of customary international law, Hooper's discovery of Wrangel Island in 1881 would give the United States legal title to the Island.

The Soviet Union also accepts custom as a primary source of international law.[70] Tunkin, the prominent Russian jurist points out that customary international law is constantly being referred to in interstate relations[71] and that Soviet jurists support the custom of discovery as an accepted means of acquiring territory.[72] This is exhibited in the Soviet claim to Antarctica which is based on discovery and exploration.[73] According to Tunkin, when "recognizing a norm of international law, a state takes upon itself the obligation of observing that rule of conduct."[74] Since the Soviets have accepted the custom of discovery and have implemented it in their own state

68. *Id.*

69. *Id.* at 393.

70. R. ERICKSON, INTERNATIONAL LAW AND THE REVOLUTIONARY STATE 27 (1972) [hereinafter cited as ERICKSON].

71. G.I. TUNKIN, THEORY OF INTERNATIONAL LAW 113 (1974) [hereinafter cited as TUNKIN].

72. ERICKSON, *supra* note 70, at 260, *quoting from* Akademii nauk SSSR, Institut gosvdarstva; prava.

73. *Id.* at 127, *reprinted from "Russians Discovered Antarctica,"* Komsmolskaya Pravda (Komsomolo Truth), Jan. 28, 1950, at 4. In 1950 the Komsomsolskaya Pravda (Komosomo Truth) stated the Russian claim to Antarctica:

> Our country is the lawful heir to the outstanding Russian geographical discoveries made in the South Polar Seas at the beginning of the 19th Century. Historically, the right of priority in the discovery and exploration of a number of Antarctic lands remains eternally with Russia and, by succession, with the U.S.S.R.

74. TUNKIN, *supra* note 71, at 124.

practice, they are expected to extend this custom to other nations as well. This includes accepting the United States claim to Wrangel Island on the basis of discovery.

Other nations, including the United States have also accepted discovery as a valid means of territorial acquisition. An example of this is the Guano Islands Act of 1856, in which the United States claimed certain islands in the Jamaica Strait.[75] Although the United States has never occupied some of the islands, it still maintains its rights on the basis of discovery.[76]

The French have claimed [redacted] Antarctica (Adelie Land) based on its discovery in 1840 by French explorer Dumont d'Urville.[77] This claim was formally announced to the United States in 1939 through a dispatch from the French foreign office to the Department of State.[78] Canada presently claims sovereignty over many islands north of mainland North America. Some claims are based on occupation, others are based on discovery and exploration.[79]

A United States claim to Wrangel Island based on discovery is consistent with, and supported by, principles of international law, judicial awards and historic European, French, Canadian, Russian, and United States state practices.

B. Occupation/Abandonment

States can expect that if they first discover and then peacefully occupy a piece of territory with the intent of claiming it, that they have a legal right to subject it to their sovereignty.[80] The United States claim to Wrangel Island was therefore strengthened by the 1881 landing and occupation by the crew of the *Rodgers*, an American naval ship.[81]

Under customary international law a state may extend its sovereignty by the effective occupation of territories not under the jurisdiction of any other subject of international law.[82] Thus the United States, which maintained legal jurisdiction over Wrangel Island based on its discovery claim, was the only nation legally capable of extending its sovereignty on the basis of occupation. In 1933, the Permanent Court of International Justice adjudicated a territorial dispute between Norway and Denmark in a case denoted as the *Legal Status of Eastern Greenland* (*Eastern Greenland Decision*). In that case the Court indicated that territorial title based on occupation involves two elements: the intention and will to act as sovereign, and some actual exercise or display of authority.[83]

The degree of "effectiveness" required in occupation varies with the size, climate, and extent to which the territory is inhabited.[84] For example, it has been asserted that the necessity of permanent settlements in the polar regions should be relaxed.[85] This approach was expressed by the Court in its award of territorial rights to Denmark in the *East Greenland Decision*.[86] Another instance in which the requirements of occupation were relaxed is the *Island of Palmas* case. In awarding the Island to Holland, Max Huber, the arbitrator, stated:

> Manifestations of territorial sovereignty assume different forms according to conditions of time and place. Although continuous in principle, sovereignty cannot be exercised in fact, at every moment on every point of territory. The intermittence and discontinuity compatible with the maintenance of the right necessarily

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75. The Guano Island Acts of 1856, 48 U.S.C. § 1411 (1976):

> Whenever any citizens of the United States discovers a deposit of guano on any island, rock or key, not within the lawful jurisdiction of any other government, and not occupied by the citizens of any other government, and takes peaceable possession thereof and occupies the same, such island, rock, or key, may at the discretion of the President, be considered appertaining to the United States.

76. 1975 DIG. U.S. PRAC. INT'L L. 93. A memorandum by Gordon B. Baldwin Counselor on International Law Department of State, Aug. 7, 1975.

> The question of what evidence suffices to show continuing claims to an island claimed in the 'Guano Act' has arisen in connection with Navassa Island an uninhabited isle in the Jamaica Straits. In 1906 the State Department insisted that; internationally speaking the United States retained its claim despite the failure to exploit or physically occupy it.

77. HACKWORTH, *supra* note 5, at 460 (taken from a letter from Counselor of Embassy (Wilson) to Secretary Hull no. 3896 Feb. 24, 1939).

78. *Id.*

79. J. SATUR, THE ARCTIC BASIN 10 (1969) (Artic Institute of North America).

80. ERICKSON, *supra* note 70, at 128. *See also* notes 49-54 *supra*.

81. STEPHANSSON, *supra* note 23, at 20.

82. G. SCHWARZENBERGER, THE MANUAL OF INTERNATIONAL LAW 115 (1976) [hereinafter cited as SCHWARZENBERGER].

83. Legal Status of Eastern Greenland, [1933] P.C.I.J., *cited in* 6 H. LAUTERPACHT, ANNUAL DIGEST AND REPORTS OF PUBLIC INTERNATIONAL LAW CASES 97 (1931-1932) [hereinafter cited as ANNUAL DIGEST].

84. SCHWARZENBERGER, *supra* note 82, at 115.

85. O. SVARLIEN, AN INTRODUCTION TO THE LAW OF NATIONS 177 (1955) [hereinafter cited as SVARLIEN]; concerning the relaxing of requirements for territorial claims in the polar regions.

> The relaxation should be confined to the waiving of settlements as a necessary condition for the perfecting of a right of sovereignty, provided a claimant state may establish that by some other process it is in a position to exercise control over what it claims to own.

ERICKSON, *supra* note 70, at 128, states that minimum control plus discovery under international law yields a valid claim.

86. ANNUAL DIGEST, *supra* 83, at 99.

differ accordingly as inhabited or uninhabited regions are involved.[87]

Wrangel Island is surrounded by frozen seas and before airflight was barely accessible. For this reason, the fact that the Island had not been continuously occupied by the United States after its discovery should not diminish the United States' sovereign rights established by Hooper's landing. Additional support for the United States' claims to Wrangel Island based on a limited occupation after discovery can be found in the Clipperton Decision.[88]

In a 1922 memorandum from their Embassy, the Soviets specified what they believed to be the occupational requirements for sovereignty over Wrangel Island. They contended that the region was dangerous and inaccessible and unfit for permanent habitation. They further held that acquisition of unoccupied territory through "use or settlement"[89] need not be applied to this Island.[90] The Soviet policy towards Antarctica is consistent with the views expressed in the 1922 Memorandum and the Soviet interpretation of international law. Due to the climate of the South polar region, Soviet scholars have rejected the notion that "effective occupation" is necessary to maintain title to Antarctica.[91] These Soviet policies and statements support the United States claims to Wrangel Island based on the limited occupation by the crews of the *Corwin* and the *Rodgers*.

The State practice of Norway in the polar region also supports territorial title based on limited occupation. In 1927 the Norwegian Government by Royal Decree, claimed Boviet Island in the South Atlantic.[92] The claim is based on a brief Norwegian occupation and the hoisting of the Norwegian flag.[93] Another example of "limited occupated" yielding territorial title in the polar regions comes from the British Empire's claims in 1923 to a large number of Islands in the Ross Sea.[94] They based these South Atlantic claims on their having a few settlements in the region, reasoning that this entitled them to much of the surrounding territory.[95]

Although Wrangel Island remained uninhabited until 1911, the *Clipperton Island Decision*, the *Island of Palmas Arbitration*, the *East Greenland Decision*, and British, Norwegian, and Russian State practice support the United States "limited occupation" claim.

The Russian landing in 1911 gives rise to another Soviet claim to Wrangel Island. The Soviets cannot designate this landing a discovery because that mode had already been used by the United States. Nor was there an attempt by the Russian to occupy the Island.[96] Moreover, the United States had already acquired vested rights based on the limited occupation made by the crews of the *Corwin* and the *Rodgers* in 1881.

The Soviets might support that claim by arguing that the United States had abandoned Wrangel Island. However, it is an accepted principle of international law that apparent abandonment does not imply extinguishment of a sovereign right.[97] Abandonment occurs not merely upon simple neglect or desertion,[98] but upon a positive intention to relinquish rights. In a 1922 memorandum to the American Ambassador in Great Britain, acting Secretary of State William Phillips stated that the United States was "reserving" its claim to Wrangel Island. There is no evidence here or in any other record of a positive intention by the United States to abandon its claim to Wrangel Island.[99] The Soviet landing in 1911 would therefore appear insufficient to establish legal title or to denigrate the previously established rights of the United States.

In 1914 the *Karluk* was marooned on Wrangel Island for six

87. Island of Palmas Arbitration case, (United States-Netherlands) (Perm. Ct. Arb. 1928) *cited in* 4 H. LAUTERPACHT, ANNUAL DIGEST AND REPORTS OF PUBLIC INTERNATIONAL LAW CASES 105-06 (1927-1928). Wrangel Island, which is surrounded by frozen seas and maintains a harsh climate made it difficult to reach and inhabit during the late 19th and early 20th centuries.

88. *See* notes 65-69 *supra* and accompanying text.

89. 1 DEPT. OF STATE, FOREIGN RELATIONS DOCUMENTS 279 (1923).

90. *Id.*

91. ERICKSON, *supra* note 70, at 127.

92. HACKWORTH, *supra* note 5, at 468.

93. *Id.*

94. *Id.* at 462, *quoting from* the London Gazette, July 31, 1923, at 5211.

95. *Id.*

96. STEPHANSSON, *supra* note 23, at 395. *See also* note 24 *supra*.

97. I. BROWNLIE, PRINCIPLES OF PUBLIC INTERNATIONAL LAW 137 (1966).

98. 1 DEPT. OF STATE, FOREIGN RELATIONS DOCUMENT 65 (1895); 1 J. MOORE, DIGEST OF INTERNATIONAL LAW 299-300 (1906). Letter from Mr. Carralho, Brazilian Minister of Foreign Affairs to Mr. Phipps, July 21, 1895. In 1895, the occupation by Great Britain of the island of Trinidad was protested by the Brazilian Government, on the ground that the latter had never given up its right to ownership. It was stated by the Brazilian Minister of Foreign Affairs:

> Abandonment depends on the intention of relinquishing or on the cessation of physical power over the thing, and must not be confounded with simple neglect or desertion. A proprietor may leave a thing deserted or neglected and still retain his ownership. The acts on the part of Brazil indicating the continuance of its assertion of dominion over the island, justified the concession of its rights therein by Great Britain.

1 C. HYDE, INTERNATIONAL LAW 393 (1923).

99. 1 DEPT. OF STATE, FOREIGN RELATIONS DOCUMENTS 283 (1923).

months while the American captain went for help.[100] During this time the Island was occupied by the Canadian crew which claimed the Island for the British Empire. This brief occupation alone, although more significant than the Russian landing in 1911, is insufficient to establish a claim for the British Empire since the United States still had not abandoned its claim to the Island.[101] The 1881 United States' claim to the Island based on discovery and occupation remained intact.[102] The whole crew voluntarily left the Island when they were rescued by an American ship.[103] By voluntarily leaving the Island the Canadian crew abandoned any possible future title claims based on adverse possession (prescription).[104] Fulfilling the legal criteria for a valid prescriptive title may have diminished the initial United States discovery-occupation claim. Nevertheless, the British Empire subsequently relinquished any claims to Wrangel Island in 1924.[105] If the United States had lost their rights to Wrangel Island due to "abandonment," any Soviet or British "occupation based" claim would have been extinguished by abandonment as well. Under those circumstances the United States discovery claim would still have been the dominant claim to the island.

In 1916 the British Secretary of Foreign Affairs received from the Soviet Ambassador in London an official notification that "the territories and islands situated in the Arctic Ocean and discovered by Captain Vilkitski in 1913-1914 had been incorporated in the Soviet Empire."[106] The Soviet Union proclamation of territorial sovereignty was based on either discovery or contiquity (when a state maintains that islands relatively close to their shores belong to them by virtue of their geographical situation).[107] Under customary means of territorial acquisition the Soviet proclamation is of no legal significance. The United States had, in fact, already discovered Wrangel Island. Further, claims based on contiquity have been expressly rejected by legal jurists.[108] In the dispute surrounding the *Island of Palmas Arbitration*, Max Huber, the noted arbitrator, held that a title of contiquity, understood as a basis of territorial sovereignty, has no foundation in international law because it is arbitrary and lacks precision.[109]

The 1921 landing of the *Silver Wave* and the subsequent rescue in 1923 of its sole survivor also has no effect on United States' rights as no conflicting national claims were asserted.[110] The rescuing ship the *Donaldson* did, however, set ashore an American colony under the employment of British citizen Vilhjlmur Stephansson.[111] Stephansson himself was not on the Island. This became the first successful attempt at colonizing the Island for economic purposes and American citizens again occupied Wrangel Island. During the year that Stephansson held an economic interest in the Island, the British failed to proffer a territorial claim.[112] Early in 1924 Stephansson sold his economic interests in the Island to an American citizen, Carl Lomen of Alaska.[113] Along with its economic benefits, Lomen intended this transaction to be a reassertion of United States sovereignty over Wrangel Island.[114]

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100. STEPHANSSON, *supra* note 23, at 24.

101. *See* notes 97-99 *supra*.

102. *See* notes 48-55 and 85 *supra*.

103. STEPHANSSON, *supra* note 23, at 61.

104. SVARLIEN, *supra* note 85, at 180. Prescription in international law may be defined as the acquisition of territory by adverse possession over an extended period.

105. Y. SEMYONOV, SIBERIA 385 (1963). At the time the Soviets occupied Wrangel Island in 1924 the Labor party was in power in England. His Majesty's government announced that it abandoned all claims to the distant island.

106. *See* note 30 *supra*.

107. H. BRIGGS, THE LAW OF NATIONS 244 (2d ed. 1952).

108. Arbitral Award in the Island of Palmas Case, (United States-Netherlands), (Per. Ct. Arb. 1928) 39-40; Scott Hague Court Reports, at 83, 111-12, (2d Ser. 1932).

109. *Id.* "Nor is the principle of contiguity admissable as a legal method of deciding the question of territorial sovereignty; for it is wholly lacking in precision and would in its application lead to arbitrary results . . . The title of contiquity, understood as a basis of territorial sovereignty, has no foundation in international law."

110. In addition to the lack of claim made by a nation, the United States discovery and limited occupation based claim was still superior for the same reasons discussed in the Karluk landing of 1914.

111. STEPHANSSON, *supra* note 23, at 28.

112. I FOREIGN RELATIONS DOCUMENTS 286 (1923). A letter from the Chargé in Great Britain (Wheeler) to the Secretary of State, London, Aug. 28, 1923:

> Asked as to whether the claims of Russia and the fact that the crew of an American vessel had landed on the island in 1881 and taken possession in the name of the United States had been noted, Mr. Sperling replied in the affirmative, adding that he personally felt the Russians had the weakest claim of all. It will be seen from the above that no definite reply can yet be given to the Department's inquiry concerning the attitude of the British Government in the premises.

A footnote to this letter states:

> Apparently no further statement was received directly from the British Foreign Office but in a letter dated May 27, 1925, Mr. Vilhjalmur Stephansson wrote that 'Ponsonby,' acting as the official spokesman of the British Foreign Office, assured the Russians during the tenure of the Labor Government that Great Britain would never make a claim to Wrangel Island.

113. STEPHANSSON, *supra* note 23, at 299-300. "I was anxious that America should profit by our work if Britain did not care to do so. My friend Carl Lomen, owner of large reindeer interests in Alaska, had told me the Americans were greatly interested in Wrangel Island, and he was especially interested." *See also* LEBOURDAIS, *supra* note 7, at 16.

114. Letter from Carl Lomen to Viljhalmur Stephansson Jan. 29, 1925:

As previously discussed, the Soviet interpretation of the customary mode of occupation allows for "limited occupation" in the polar regions.[115] Again, this is supported by both the Soviet claim to Antarctica and the Soviet comments concerning the occupation of Wrangel Island.

The United States has also accepted limited occupation as a basis for territorial claims. As far back as 1890, in *Jones v. United States*,[116] the Supreme Court set forth the legal foundation for Lomen's territorial claim on behalf of the United States. In that case the court stated that incurring even a menial type of useful possession (such as a base for catching and curing fish) would be sufficient for a claim based on occupation.[117] Lomen's use of Wrangel Island for fur and seal trapping, and his plans to establish a reindeer business on the Island,[118] can surely be given the same legal significance as "catching and curing fish." More recently, the *Jones* case was cited in *U.S. v. Curtiss-Wright Export Co.*,[119] to support the Court's emphasis of the United States' right to acquire land by discovery and occupation.

Additionally, significant support for Lomen's United States claim at the international level comes from Judge Carneiro's concurring opinion in the *Minquiers and Ecrehos Case*.[120] In that case Carneiro stated that a private individual occupying a territory may claim the territory on behalf of his nation.[121] Further support for the legal significance of Lomen's claim comes from *Jacobsen v. Norwegian Government*. There the Norwegian Supreme Court held that an individual may undertake a legal occupation of an uninhabited island if the person pursued economic activities and exploitation of the land.[122]

Thus, the United States occupation of Wrangel Island is consistent with international law and the state practices of Denmark, Britain, Netherlands, Norway, the Soviet Union, and the United States.

C. *Possession by Force*

In January, 1924, the Soviet Union complained that the United States was sailing too close to their territory and alleged a violation of a universally recognized rule governing the entrance of warships into foreign ports.[123] In August, 1924, the Soviets totally disregarded the principles of international law they had espoused earlier that year[124] and dispatched a gunboat, the *Red October*, to take possession of Wrangel Island. The Soviet crew forcibly removed Lomen's colony from the Island.[125] Forcible removal of occupants from a territory is not an accepted mode of territorial acquisition under international law[126] and claims based on such actions need not be recognized.

> You ask me to state briefly my reasons for purchasing your interests in Wrangel Island . . . As an American citizen I was anxious to take a step which would further strengthen American claims. I consider that I can maintain fur trapping establishments in Wrangel Island at a profit.

STEPHANSSON, *supra* note 23, at 302.

115. ERICKSON, *supra* note 70, at 128, discusses the Soviets views concerning the South Pole:

> Although Russia supports occupation to validate a sovereign claim, 'effective' occupation is not required. Because of the nature of the South Polar Region only a minimum control over the region is necessary.

116. Jones v. United States, 137 U.S. 202, 212 (1890). "When citizens or subjects of one nation, in its name, and by its authority or with its assent, take and hold actual continuous and useful possession (although only for purposes of carrying on a particular business, such as catching and curing fish or working mines) of a territory unoccupied by any other government or its citizens, the nation to which they belong may exercise such jurisdiction and for such a period it sees fit over territory so acquired."

117. *Id.*

118. STEPHANSSON, *supra* note 23, at 302.

119. United States v. Curtiss-Wright Export Corp., 299 U.S. 304, 318 (1936).

120. The Miniquiers and Ecrehos Case (United Kingdom-France) [1953] I.C.J. 104-05. "In certain circumtances the presence of private persons who are nationals of a given state may signify or entail occupation by that state . . . such individual actions are particularly important in respect of territories situated at the border of two countries which both claim sovereignty to that region."

121. *Id.*

122. Jacobsen v. Norwegian Government, *reprinted in* 7 H. LAUTERPACHT, ANNUAL DIGEST AND REPORTS OF INTERNATIONAL LAW CASES 109-11 (1933).

123. I FOREIGN RELATIONS DOCUMENTS, at 681 (1944). The Soviet Deputy Commissar for Foreign Affairs (Litinov) to the Secretary of State, Moscow, Jan. 31, 1924, concerning the entrance of an American warship the *Bear*, into Kolyuchin Bay without permission of Soviet authorities:

> In view of the fact that the circumstances under which the above mentioned ships entered Soviet harbors constitute a violation of the universally recognized rules governing the entrance of warships into foreign ports, the Government of the Soviet Socialist Republics finds itself obliged to protest against such action under the direct control of the United States Government, professing the necessity of strict observation of international laws, will take proper measures to avert the repetition of such incidents in the future.

124. *See* notes 35-37 *supra*.

125. Y. SEMYONOV, SIBERIA 375 (1963).

126. *See* notes 2 and 3 *supra*, and notes 128-29 *infra*. *See also* STEPHANSSON, *supra* note 23, at 300. After his sale to Lomen but before the Russian invasion of Wrangel Island in 1924, Stephansson postulated:

> If the Russian then planted a rival colony it would be a later on than the American . . . It is a well established principle of international law that actual occupation is the only thing after discovery and exploration which gives a national ownership. If they took the American colony prisoners and carried them off, the Russian claims would not be strengthened thereby legally.

Any Soviet contention that the removal of Lomen's colony from Wrangel Island was in fact a "conquest" would fail. Although conquest is an acceptable mode of acquiring territory,[127] in the *East Greenland Decision* the ICJ stated that conquest operates as a loss of territory "when there is a war between two states and by reason of the defeat of one of them sovereignty passes from the loser to the victorious state."[128] The United States and the Soviet Union were not at war in 1924. The Soviet invasion of Wrangel Island was an isolated, unprovoked [redacted] and according to both the *East Greenland Decision* and [redacted]y international law this forceful subjugation of territory by the Soviets is not an acceptable mode of territorial acquisition.[129] Accordingly, the United States rights to Wrangel Island were not altered by the Soviet invasion.[130]

In 1926 the Soviet Union issued a decree in which it claimed sovereign rights to all the discovered and undiscovered territory north of its territorial boundaries.[131] This "sector" theory of territorial control was rejected by the United States in 1928,[132] thereby impliedly denying an inherent Soviet right to Wrangel Island. The United States emphasized in its rejection of the "sector" theory in the Arctic that acquisition of territory based on contiguity is not an accepted principle of international law.[133] Today the "sector" theory is of doubtful validity in light of the fact that most of the territorial claims have been settled by using the "accepted" criteria for territorial acquisition.[134]

In 1947 the United Nation's General Assembly passed a resolution stating that territorial rights should be denied to those nations who have acquired possession of territory in violation of international law. This included the use of force against the territorial integrity of another state.[135] In 1970 this same body adopted a

127. It would be inappropriate to describe the forcible subjugation of such territories as conquest, 'for conquest only operates as a cause of loss of sovereignty when there is a war between two states and by reason of the defeat of one of them sovereignty passes from the loser to the victorious state.' Legal status of Eastern Greenland Decision, (Netherlands-Denmark) [1933] P.C.I.J., ser. A/B No. 53 at 46, III Hudson World Court Reports, at 171 (1938).

128. *Id.*

129. *Id.*

130. *See* notes 69, 126-29 *supra*.

131. HACKWORTH, *supra* note 5, at 461, *quoting from* Under Secretary Crew, memoranda of conversation with Norwegian Minister (Bryn), June 4, and June 12, 1926.

132. *See* note 38 *supra* and accompanying text.

133. *See* notes 38 and 109 *supra* and accompanying text.

134. J. SATUR, THE ARTIC BASIN 10 (1969).

135. Declaration on Rights and Duties of States, Report of the International Law Commission, June 9, 1949, U.N. Doc. A/92J; Official Records of the Fourth Session of the General Assembly, Supp. No. 10, at 7-10. General Assembly of the United Nations at its 123rd meeting on 21, November 1947, adopted this resolution 178 (II):

> Article 9
> Every state has the duty to refrain from resorting to war as in instrument of national policy, and to refrain from the threat or use of force against the territorial integrity or political independence of another state, or in any other manner inconsistent with international law and order.
> Article II
> Every state has the duty to refrain from recognizing the territorial acquisition by another state acting in violation in Article 9.

Declaration on the Principles of International Law reiterating the prohibition against force as a means of acquiring the territory of another state.[136] Both the United States and the Soviet Union supported this Declaration.[137] Soviet writers agree that the United Nations Charter, as an international treaty, is a present day source of international law.[138] They contend that the principles and purposes of the United Nations are important, and that observance of resolutions can serve international cooperation.[139] A state violating the basic principles of the United Nations or its [redacted]ion places itself beyond the pale of the organization.[140]

In accord with the general principles of inter[redacted] law, state practice, judicial rulings, and the subsequent United Nations Resolutions, the 1924 Soviet intrusion on Wrangel Island did not effectuate a legal Soviet right to the Island. The Soviet Union's act of aggression was a violation of international law in 1924 and remained a violation in 1947 and 1970. The United States' legal claim to Wrangel Island has not been lost.

D. Prescription

The final Soviet claim to Wrangel Island would be based on prescription. Prescription is defined under international law as the acquisition of territory by adverse possession over an extended period of time.[141] The Soviet Union has exercised dominion over Wrangel Island since 1924. Prescription as a means of acquiring title to territory, however, is so vague a concept that some writers deny its validity altogether.[142] The main objection to its recognition is the impossibility of resolving the question of the time neces-

136. TUNKIN, *supra* note 71, at 53.

137. *Id.*

138. *Id.* at 118.

139. G.I. TUNKIN, CONTEMPORARY INTERNATIONAL LAW 120-21 (1969).

140. *Id.* at 123.

141. SVARLIEN, *supra* note 85, at 180, states "prescription in international law may be defined as the acquisition of territory by adverse possession over an extended period."

142. J.L. BRIERLY, THE LAW OF NATIONS 167 (1963).

sary to perfect a valid title by prescription.[143]

In asserting a claim based on prescription the Soviet Union will have to overcome the obstacles of prior United States claims based on discovery and occupation, the illegal invasion of 1924, and a sufficient time of possession.

There are situations in which an inference of acquiescence to a claim cannot be justifiably drawn from the absence of protest.[144] This was exemplified in 1895 when the Brazilian Government successfully retained its claim to [redacted] despite British occupation.[145] It must be remembered that the United States citizens did not abandon Wrangel Island in 1924; they were forcibly removed by the Soviets.[146] The *Clipperton Island Decision* supports the contention that without the animus of abandoning the Island, the fact that the United States has not exercised authority there does not imply the forfeiture of an acquisition already perfected.[147] In the *Eastern Greenland Decision* the Court indicated that a definite renunciation is needed for construing an abandonment.[148] Actual consent must be given; mere passivity in the face of inevitable facts is not enough.[149]

The United States has officially "reserved" its right to claim territories in the polar regions.[150] Thus far there has been no strategic necessity for the United States to assert its claim to Wrangel Island.[151] Nor has there been an abandonment or disclaimer of the United States' rights to the Island.[152] In fact, Senator Robert K. Reynolds of North Carolina, Chairman of the Military Affairs Committee of the Senate in 1941, urged the United States to re-assert its rights to Wrangel Island.[153] This effort to re-assert United States' rights to Wrangel Island was obscured however, by the bombing of Pearl Harbor in December of 1941.[154]

Another problem with a Soviet claim of prescription is that the

143. M. SØRENSON, MANUAL OF PUBLIC INTERNATIONAL LAW 324 (1968).
144. Y. BLUM, HISTORIC TITLES IN INTERNATIONAL LAW 131 (1965).
145. *See* notes 98-99 *supra*.
146. *See* note 35 *supra*.
147. Clipperton Island Arbitration, *reprinted in* 26 AM. J. INT'L L. 390, 394 (1932).
148. *See* note 84 *supra*.
149. C. ROSS, TEXTBOOK OF INTERNATIONAL LAW 244 (1947).
150. 1 C. HYDE, INTERNATIONAL LAW 333-35 (1947).
151. Hooper, *supra* note 17, at 7.
152. Franklin & McClintock, *The Territorial Claims of Nations in the Arctic: An Appraisal*, 5 OKLA. L. REV. 46 (1952).
153. V. STEPHANSSON, THE FRIENDLY ARCTIC 63 (1945).

Soviets acquired dominion over Wrangel Island in violation of International Law.[155] They acquired physical possession of the Island by violating the rights of the United States.[156] In the *Island of Palmas Arbitration*, Max Huber made clear that it was necessary to investigate the origin of possession in a prescriptive claim. Although he found that Dutch possession was of legal origin, Huber indicated that his decision might have been altered if the Dutch had originally taken possession of the Island by transgressing international law.[157]

The Guatemala-Honduras Treaty of 1930 further illustrates the importance of the manner in which possession is acquired when justifying a prescriptive claim. In Article V of the treaty the two parties agreed that an arbitral tribunal would establish their mutual borders in accordance with the legal boundary created in 1821 when the countries received their independence from Spain.[158] The treaty further provided that prescription should not be invoked to obscure either party's property rights. Part of the criteria used in fixing the boundary was whether territory had been acquired by one party in express violation of the other party's rights.[159] If this occurred, it could be required that the territory or compensation be transferred to the prior sovereign.[160] In cases where there was no extreme hardship, the transfer of land took place.[161]

A Soviet prescriptive claim faces challenges based on United Nations Resolution 178(II) adopted in 1947[162] and the Declaration

155. *See* notes 123-30 *supra*.
156. *Id.*
157. "Finally it is to be observed that the question whether the establishment of the Dutch on Talautse Isle in 1667 was in violation of the Treaty of Munster and whether this circumstance might have prevented the acquisition of sovereignty even by means of prolonged exercise of state authority need not be examined since the Treaty of Utrecht recognized the state of things existing in 1714 and therefore suzerain right of the Netherlands over Tobukan Miangas." The question was not examined because the violation of international law when gaining dominion had not been established. Arbitral Award in the Island of Palmas Case, *supra* note 108, at 60.
158. 1 C. HYDE, INTERNATIONAL LAW 388 (1947). Criteria used by the Tribunal:

> In fixing the boundary, the Tribunal must have regard to the facts of (1) actual possession: (2) the question whether possession by one party has been acquired in good faith, and without invading the right of the other party and (3) to relation of territory actually occupied to that which is as yet unoccupied. In light of the facts [illegible] asserted, questions of compensation may be determined.

Guatemala-Honduras Boundary Arbitration, [1933], *cited in* 7 H. LAUTERPACHT, ANNUAL DIGEST REPORTS AND REPORTS OF PUBLIC INTERNATIONAL LAW CASES 115-27 (1933-1934).
159. *Id.* at 122.
160. *Id.*
161. *Id.*
162. 1 SOHN, CASES AND MATERIALS ON WORLD LAW 272 (1973). *See also* Report of

on the Principles of International Law adopted in 1970,[163] which postulate non-recognition of territorial rights over possessions acquired in contravention of international law.[164] Since the Soviet's acquisition of Wrangel Island was made in violation of international law, United Nations policy warrants a denial of the Soviet's sovereignty over the Island.

Another widely discussed problem with prescription in international law is the amount of time actually necessary for a prescriptive claim to vest. Hugo Grotius maintained that "a possession beyond memory, not interrupted or disturbed by appealing to an arbitrator transfers dominion."[165] Certainly the United States claim to Wrangel Island is still within memory. Although Grotius' comments are 300 years old, jurists today agree that no fixed rules exist as to the length of possession necessary to create a valid title.[166] Max Sorenson asserts that prescription is a controversial mode of territorial acquisition because of the impossibility of resolving the question of required time limits.[167]

The Guatemala-Honduras Treaty of 1930 provided that the newly defined boundary be consistent with the legal boundary created in 1821 when the countries received their independence. This Treaty exemplifies the fact that one-hundred ten years of adverse possession do not necessarily establish legal title to territory.[168] The Soviet presence on Wrangel Island has existed for fifty-six years; this period of time may be legally insufficient.

In 1957 a dispute between Belgium and The Netherlands concerning the rightful possession of two territories in Baerle-Duc[169] was brought before the International Court of Justice.[170] The Court awarded the territories to Belgium based upon a legal title established in 1843.[171] The court ruled in favor of Belgium despite

the International Law Commission, June 9, 1949, U.N. Doc. A/925; Official records of the Fourth Session of the General Assembly, Supp. No. 10, at 7-10.

163. TUNKIN, *supra* note 71, at 53.

164. *See* notes 135-36 *supra*.

165. SVARLIEN, *supra* note 85, at 180.

166. J. L. BRIERLY, THE LAW OF NATIONS 157 (1963); *see also* G. VON GLAHN, LAW AMONG NATIONS, at 278 (1976).

167. M. SØRENSON, MANUAL OF PUBLIC INTERNATIONAL LAW 324 (1968).

168. *See* Guatemala-Honduras Treaty of 1930 and Guatemala-Honduras Boundary Arbitration of 1933 [1933] *reprinted in* 7 H. LAUTERPACHT ANNUAL DIGEST AND REPORTS OF PUBLIC INTERNATIONAL LAW CASES 115-27 (1933-1934).

169. Case Concerning Sovereignty Over Certain Frontier Land (Belgium-Netherlands), [1957] I.C.J. 209-58.

170. *Id.*

171. *Id.* at 213. The Court determined that under the Boundary Convention of 1843 between Belgium and the Netherlands that the sovereignty of the territory in Baerle-Duc resided in Belgium. "Having examined the situation which, in respect of the disputed plots and relied upon by the two Governments, the Court reaches the conclusion that Belgian sovereignty established in 1843 over the disputed plots has not been extinguished."

The Netherlands prescriptive claim based on over one-hundred years of adverse possession.[172] Although Belgium had not actively opposed the authority exercised by the Dutch officials over the disputed plots, it never expressly yielded its own rights.[173]

It has been asserted that "a protest at the time of the occurence of the delinquency [of a claim] is held to prevent time from running against the claim for its redress."[174] In other words, even if a prescriptive title has recently accrued in favor of the Soviets, the United States would still have the right to redress [illegible] letter written in 1843 by Mr. Uplhur, United States Secretary of State, addressed to Mr. Everett, Minister to England, [illegible] the Secretary contended that under international law mere lapse of time, independent of legislation or positive agreement, cannot itself either give or destroy title.[176]

If prescription is to be accepted as a proper mode of territorial acquisition by a Tribunal, the Soviets will have to (1) show the United States acquiesed to Soviet jurisdiction; (2) overcome the obstacle of their transgression of international law when acquiring do-

172. *Id.* at 227-29. The Netherlands contended that if sovereignty over the disputed plots was vested in Belgium by virtue of the Boundary Convention, act of sovereignty exercised by the Netherlands since 1843 have established sovereignty in Netherlands.

(1) Belgium had struck one of the two plots from their maps from 1852 until 1890.
(2) The Dutch Government had used and changed the land several times from 1860.
(3) Not until 1921, following examination by the Belgian Ministry that the Minister at the Hague drew attention to the Netherlands that the territory was Belgian and that Dutch Government should strike the land from their survey documents.
(4) Netherlands relied in addition to the incorporation of the land in the Dutch survey, the entry in its registers of land transfer deeds and registrations of births, deaths, and marriages in the communal register of Baerle-Nassau. It also relied on the fact that it collected Dutch land tax on the two plots without any resistance or protest on the part of Belgium.
(5) Netherlands also relied on the proposed sale of a large area of the heathland over which the commune of Baerle-Duc had certain rights to. The sale was publically announced in 1953 without any protest by Belgium.

173. *Id.*

174. L. OPPENHEIM, INTERNATIONAL LAW 349-50 (Lauterpacht ed. 1955).

175. I J. MOORE, DIGEST OF INTERNATIONAL LAW 293 (1906). "Mere lapse of time, independent of legislation or positive agreement cannot of itself either give or destroy title . . . It creates a presumption equivalent to full proof. But it differs from proof in this, that proof is conclusive and final, whereas presumption is conclusive only until it is not met by counterproof, or a stronger counter presumption."

176. *Id.*

minion over Wrangel Island; and (3) demonstrate a sufficient time of possession.

The legality of a prescriptive claim is not actually determined until it supercedes the claim of the prior sovereign in an international legislative body or by diplomacy.[177] The United States' claim to Wrangel Island retains its legal significance until otherwise adjudicated in a mutually accepted tribunal, or until the United States expressly relinquishes its claim.

III. Approach For Implementing The United States Claim

First, the United States must decide to pursue its claim to Wrangel Island. Then, the following procedures might be employed to attempt to reassert control over the island.

The Soviet Union has consistently asserted that only voluntary negotiation and/or adjudication will suffice in the settlement of disputes among nations.[178] In 1961 at the meeting of the International Law Association the Soviets favored diplomatic negotiation as the most appropriate method of settling disputes.[179] Thus, diplomatic negotiations with the Soviets should be the initial step for the United States in asserting their rights to Wrangel Island.

The Soviet Union expressly rejects the idea of compulsory third-party judgment as a principle of international law[180] and it has continually refused to submit to the compulsory jurisdiction of the Statutes of the ICJ.[181] It would therefore be unduly optimistic to expect the Soviet Union to honor an unfavorable judgment by the Court. Although the United States has accepted the jurisdiction of the ICJ, there were some reservations.[182] One reservation to compulsory jurisdiction provided that jurisdiction shall not apply to "disputes, the solution of which the parties shall entrust to other tribunals by virtue of agreements already in existence."[183] The United States and the Soviet Union created such an agreement in 1914 which is still in force today.[184] The treaty provides that any differences arising between the United States and Russia, "of whatever nature, shall, when diplomatic proceedings have failed, be submitted for examination and report to a Permanent International Commission."[185] It is an equitable plan for resolving disputes.

The United States initiation of this secondary method for redressing its territorial claim with the Soviet Union is consistent with Article 33 of the United Nations Charter.[186] Although Article 33 does not provide an enforceable set of procedures, its content implies an international consensus in favor of implementing the U.S.-Russian agreement of 1914. A decision rendered by the selected Permanent International Commission is not binding upon either party, but noncompliance with the decision could have negative ramifications in the international community. Economic, technological, or social sanctions might be considered. It was asserted by Rosenne, at the ICJ in 1957, that any national court whose internal constitution requires it to apply international law must apply any authentic judgment.[187]

If the procedures under this treaty were invoked and the Commission decided in favor of the Soviets based on prescription, the United States could go to the United Nations to attempt to gain world support for its claim based on Resolution 178(II). If the United Nations is not successful in removing the Soviets from Wrangel Island then the United States might resort to another form of arbitration. The United States and the Soviets might agree to set up a Tribunal which draws its members from the ranks of chiefs of state, chief justices of national Supreme Courts, or other eminent jurists.[188] If an attempt at arbitration is unsuccessful, the United

177. *Id.*

178. Erickson, *supra* note 70, at 140.

179. *Id.* at 141.

180. *Id.* at 140.

181. *Id.* at 144; *see also* Statute of the I.C.J. *supra* note 42, art. 36.

182. United States Declaration under Article 36(a) of the Statute of the I.C.J., [1965-1966] I.C.J.Y.B. 67 (1966).

183. *Id.*

184. Treaty for the settlement of disputes, signed at Washington October 1, 1914; *entered into force* March 22, 1915; 39 Stat. 1622; T.S. 616; *reprinted in* 11 C. Bevans, Treaties and Other International Agreements of the United States 1776-1949, at 1239-41 (1974).

185. Bevans, *supra* note 184, at 1239. *See also* Treaty for the Settlement of Disputes, *supra* note 184. Concerning succession of treaties, it has been held that "In interest of international order, treaty rights and obligation should be observed under normal circumstances." W. Tung, International Law in an Organizing World 61 (1968).

186. Charter of the United Nations, *done* June 26, 1945; 59 Stat. 1031, T.S. No. 993, art. 33, para. 1.

> Article 33
>
> 1. The parties to any dispute, the continuance of which is likely to endanger the maintenance of international peace and security, shall first of all, seek a solution by negotiation, inquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional agencies or arrangements, or other peaceful means of their own choice.

187. M. Reisman, Nullity and Revision 816 (1971).

188. *Id.* at 108.

States would have exhausted its legal remedies and should rest its claim.

If the Commission decided in favor of the United States and the Soviets ignored the ruling, political and economic sanctions would be the means of redress available to the United States.

Wrangel Island appears to be in an ideal strategic position for monitoring Soviet nuclear deployment and compliance with SALT Treaties. In a time of intricate geopolitical balance in the world, the United States needs to take full advantage of its strategic assets.

IV. CONCLUSION

An examination of the claims to Wrangel Island within the international legal framework reveals that the United States has a legitimate legal claim to the island based on discovery and occupation. The *Clipperton Island Decision*, along with European, Soviet, and United States state practices sustain the claim of a vested United States right in the Island since 1881. The claim's continued superiority is further supported by the *Palmas Island Arbitration* and the *Eastern Greenland Decision*. Carl Lomen's economic activity on Wrangel Island in 1924 was a reassertion of the United States' intention to continue and expand its occupation. European, Soviet, and United States state practices, along with Judge Carneiro's interpretation of international law, concede a further United States legal right to the Island.

The Soviet Union has exercised dominion over the Island since 1924, despite violations of international law in its acquisition. There was no abandonment, nor was there a subsequent acquiescence by the United States in the Soviet claim to Wrangel Island. In fact, the United States impliedly rejected Soviet authority in its 1928 statement on the Soviet "sector" theory. The viability of a Soviet prescriptive claim remains questionable under international law. The lack of United States acquiescence, the illegal origin of Soviet possession and the length of possession are all obstacles with which the Soviet Union must contend.

Until adjudicated, the United States claim to Wrangel Island continues to have legal significance. At the very least, the United States can use its legal claim as a political lever in diplomatic negotiations with the Soviet Union and in the future SALT discussions. The United States may also use the claim to magnify world apprehension of Soviet expansionism, an issue of great concern after the recent Soviet invasion of Afghanistan.

This comment has attempted to demonstrate the legal viability of a United States claim to Wrangel Island. The United States has nothing to lose by asserting its claim and there will never be a better time than the present to do so.

Don Eric Salom

FILED

MAY 23 1991

UNITED STATES DISTRICT COU.
DISTRICT OF ALASKA

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF ALASKA

R.M. CHRISTIANSEN, Plaintiff, v. GEORGE BUSH, et al. Defendants.	CASE NO. A90-362 Civil ORDER DIRECTING SERVICE

Plaintiff, R. M. Christiansen, pro per, has filed a complaint (and brief in support thereof) naming George Bush, President of the United States, and James A. Baker, III, Secretary of State, as defendants. The complaint seeks injunctive relief and a declaratory judgment declaring null and void an agreement signed June 1, 1990, by James Baker and Foreign Minister Eduard A. Shevardnadze on behalf of the United States and the Soviet Union, respectively, under the terms of which the United States surrenders any claim it may have to the Wrangell, Herald, Bennett, Henrietta and Jeannette Islands in the Arctic Ocean and fixes an ocean boundary between the two nations. Plaintiff further asks this Court to declare the ownership of the

Exhibit 62

aforementioned islands, their seabeds, natural resources and sovereign limits. Finally, he asks the Court to order the complete text of the agreement; and, if satisfied that its "top secret" classification is not warranted, to order its publication.

In a separate pretrial motion for preliminary injunction, Plaintiff seeks a preliminary (temporary) injunction halting any further action either Executive or Legislative until this matter is decided by the Court.

As grounds for his complaint, Plaintiff alleges that the Executive branch of the United States government does not possess the authority to divest the United States of its property and that the agreement therefore is repugnant to the U. S. Constitution under Article IV, Section 3, Clause 2 which provides:

> "The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States; and nothing in this Constitution shall be so construed as to prejudice any claims of the United States, or of any particular State".

This Court, having reviewed Plaintiff's complaint and having determined that a cause of action may exist; IT IS HEREBY ORDERED:

1. That Plaintiff shall proceed forthwith to serve

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This Court, having reviewed Plaintiff's complaint and having determined that a cause of action may exist; IT IS HEREBY ORDERED:

1. That Plaintiff shall proceed forthwith to serve

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a copy of the complaint, brief in support thereof and exhibits attached thereto, along with the summons, Plaintiff's motions and a copy of this Order, upon Wevley Wm. Shea, United States Attorney for the District of Alaska; the Attorney General of the United States at Washington, District of Columbia; and defendants as named in the complaint. [Fed.R.Civ.P. 4(i)(1)(2)].

2. The Clerk of Court is directed to mail copies of Form 285 to Plaintiff. Plaintiff shall complete **a separate form for each defendant** and return completed forms to the United States Marshal Service, 222 W. 7th Avenue, Box 28, Anchorage, Alaska, 99513.

3. That the United States Marshal, upon receipt of an appropriately completed Form 285 **for each defendant**, shall serve forthwith a copy of the complaint; brief in support thereof and exhibits attached thereto; along with summons, Plaintiff's motions and a copy of this Order upon defendants (as set forth in Paragraph [illegible] of this order) in a manner specified in Form 285. Cost of service to be advanced by the Government.

4. That the Government shall, within 60 days of the date of this Order, file an answer or other responsive pleading.

3. That a copy of all subsequent pleadings or documents submitted by the Plaintiff to this Court for consideration of this case be served upon the United States Attorney for the

AO 72A ⊕

[redacted]

District of Alaska. Petitioner shall included with any original paper(s) to be filed with the Clerk of Court a certificate stating that a true and correct copy of such document(s) was mailed to defendants or their counsel. Any such motions shall contain a statement which certifies that said service has been made. Any papers received by a U.S. District Court Judge or Magistrate Judge which have not been filed with the Clerk of Court or which fail to indicate a certificate of service shall be disregarded by the Court.

4. All parties shall refrain from communicating ex parte with any Judge or Magistrate of this Court concerning the merits of this case.

DATED this [redacted] day of [redacted], 1991, at Anchorage, Alaska.

HARRY BRANSON
U.S. MAGISTRATE JUDGE

cc: [redacted]
R. Christiansen w/att
285's & summons.

DEPARTMENT OF STATE

Washington, D.C. 20520

RECEIVED
Department of Law

OCT 10 1975

AM 7 8 9 10 11 12 1 2 3 4 5 6 PM

October 3, 1975

Robert M. Johnson, Esq.
Assistant Attorney General
State of Alaska
Department of Law
Office of the Attorney General
Juneau, Alaska 99801

Dear Mr. Johnson:

Thank you for your letter of September 2 which has been referred to my office for reply.

Wrangel Island, which lies approximately 200 miles west of the 1867 "Alaska Purchase" line in the Bering Strait and the "Frozen Ocean," was known to Siberian natives under Russian sovereignty at a very early period, but efforts by Wrangel, a Russian national, in the 1820's to "discover" it were unsuccessful.

The date of eventual discovery is variously given as 1849 (a British explorer) and 1881. In the latter year an American, one Captain DeLong of the U.S. Navy sighted but apparently did not land on the island. A subsequent expedition, commanded by Captain Hooper, sent to find DeLong and his ship, did land on Wrangel and claimed it for the United States that same year.

In the 192[redacted] the Canadian polar explorer, Vilhjalmur Stefansson, was convinced that the age of the Arctic had come and organized a company to occupy Wrangel and perhaps adjacent islets beginning in 1921, in order to exploit its resources and establish British sovereignty. Most of the colony put ashore on the island are said to have been United States Eskimos, but one was Canadian. In 1923 an American company purchased the holdings of this Canadian group. The winter of 1923 was particularly difficult and Stefansson was unable

Exhibit 63

to return to Wrangel; when he did in 1924, all the expedition members had perished. He left a second party, which was removed by a Soviet vessel in August of 1924; the Soviets removed the British flag which was still being flown and raised their own, which has remained since. Slightly later the British and Canadian Governments disclaimed any interest in establishing sovereignty over the island.

We have found little evidence that the United States has ever actively asserted a claim to Wrangel Island. We are unaware of American actions subsequent to 1881 which evidence the actual, effective and continuous functions of a state required to preserve and perfect a claim of sovereignty. While it is true that Wrangel Island (also given as Wrangell) was indicated shortly after the turn of the century as a part of Alaska on Interior Department maps and in their geographical publications, this would not constitute by itself an exercise of such functions. Mere discovery, of course, unsupported by effective occupation over time, is insufficient to acquire sovereignty over a "terra nullius" according to the legal authorities. The most recent official U.S. statement on Wrangel contained in our files dates from the period when the Soviets were establishing their control of it, in the early twenties, when it was merely noted that the United States had not relinquished its claim. We are unaware of diplomatic activity at any time to advance such a claim against the British or, after 1924, the Soviets.

The United States has never had occasion to formally recognize Soviet ownership of Wrangel Island and early Soviet claims based on a sector principle in the Arctic were rejected. The United States, however, has long adopted the practice of dealing with authorities in de facto control of territory, and we do not consider that scientific cooperative activities with the U.S.S.R. with respect to Wrangel necessarily import any recognition of legal status. The Department of State does not envision any circumstances under which it would have occasion to modify this practice, or to revive an American claim to Wrangel. As noted in your letter, a Soviet argument founded on acquisitive prescription through effective and apparently unopposed occupation over a half century, would, in light of the history of the United States claim, be a formidable obstacle to its successful assertion today.

The Department of State would welcome any views of the State of Alaska on the history and current validity of an American claim to Wrangel Island, as well as information derived from your own research which may be unavailable to us.

We are contemplating further historical research on our part, and will of course share any results with you if you would be interested in receiving them.

The following sources may be of interest:

I Hackworth, Digest of International Law, 398 et seq. (discovery and occupation), 464 (Wrangel Island)).

2 Whiteman, Digest of International Law, 1028 et seq. (discovery, occupation and prescription)

The Voyage of the Jeanette, Emma DeLong, ed., Boston: 1884

The Friendly Arctic v. Stefansson, n.d.

Ostrov Urangglaya, A.I. Mineev, Moscow: 1946

I hope that this letter has been helpful, and please contact me if we can be of further assistance.

Very truly yours,

Harold Russell

Harold S. Russell
Assistant Legal Adviser
for European Affairs

U.S. Considered Plan to Sell Part of Alaska to Denmark

Associated Press

Washington

Americans might be buying much of their oil from Denmark if a plan to trade parts of Alaska for military sites in Greenland had been approved after World War II.

The proposed swap came to light in newly discovered documents in the National Archives that also showed the United States proposed in 1946 to buy the entire arctic island from the Danes.

Secretary of State James Byrnes said the offer "seemed to come as a shock" to Danish Foreign Minister Gustav Rasmussen, but Rasmussen "did not reject my suggestions flatly."

He said he gave Rasmussen a memorandum, and the Danish official agreed to study it. There is no known record of any response, but the sale was never consummated. The United States did obtain military bases in Greenland.

Byrnes made the offer to Rasmussen in New York on Dec. 14, 1946, according to a telegram from Byrnes to the U.S. legation in Copenhagen.

After discussing other security arrangements for Greenland, the secretary of state said he told Rasmussen that perhaps an outright sale to the United States "would be the most clean-cut and satisfactory."

Discovery of the documents, which have been declassified since the early 1970s, was first reported by the Copenhagen newspaper Jyllands-Posten.

One alternative that was discussed was for the United States to trade land in the Point Barrow district of Alaska for those portions of Greenland that the United States considered of military value.

Oil Rights

Under this plan, the Danes would have received the rights to any oil discovered in the district and would have had to sell the oil to the United States.

The richest oil strike in U.S. history was made in 1967 in the Prudhoe Bay area, 200 miles east of Point Barrow. The Point Barrow area now is part of the National Petroleum Reserve, which is reserved for national defense.

William C. Trimble, assistant chief of the State Department's division of northern European affairs, said in a memo in May 1946 that he did not think the Danes would look any more favorably on such a swap than on a sale.

Trimble suggested buying the 844,000-square mile island, more than five-sixths of which is covered by ice, for $100 million in gold.

The richest oil strike in U.S. history was made in 1967 in the area Denmark would have owned

He said only about 600 Danes resided in Greenland. In more recent years, there have been an estimated 10,000 Danes and 44,000 Inuit, or Eskimos.

Trimble said purchase of Greenland would give the United States "valuable bases from which to launch an air counteroffensive over the arctic area in the event of attack."

The proposed purchase first cropped up in the files in November 1945, when Senator Owen Brewster, R-Maine, said he considered it "a military necessity" and American military and naval authorities also favored it.

Purchase Plan

In April 1946, State Department official John Hickerson attended a meeting of the planning and strategy committee of the Joint Chiefs of Staff and reported that "practically every member . . . said that our real objective as regards to Greenland should be to acquire it by purchase from Denmark."

On June 20, 1946, Secretary of War Robert Patterson weighed in, writing to Undersecretary of State Dean Acheson that "it might be a good idea to take prompt action toward securing from Denmark (even to the extent of purchasing the entire island, if necessary) the military rights which have been outlined by the Joint Chiefs of Staff."

Acheson replied that the State Department was aware of the importance of Greenland, but he did not say anything about buying it.

Greenland was made an integral part of Denmark in 1951 after two centuries as a colony. In 1979, the island was granted home rule, but Denmark retains control of foreign and defense affairs.

The U.S. Air Force currently maintains two bases in Greenland, Thule and Sondestrom, both part of the Space Command.

Construction of the Thule base in 1952 was made possible by a defense treaty signed by the United States and Denmark in 1951. Originally designed as a refueling base for long-range bombing missions, it has been a ballistic missile early warning site and satellite telemetry station since 1961. Sondestrom's mission is in support of the base at Thule.

San Francisco Chronicle

April 15, 1991

Exhibit 64

UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL OCEAN SERVICE
Coast and Geodetic Survey
Rockville, Maryland 20852

[redacted]

Mr. Carl Olson
Chairman, State Department Watch
West Coast Office
Post Office Box 7981
Northridge, California 91327

Dear Mr. Olson:

Thank you for your letter regarding the reef off the southwest side of Little Diomede Island, Alaska.

The National Ocean Service (NOS) surveyed in the Bering Strait area in 1960 but the survey did not cover the area of the Diomede Islands. We have never performed a hydrographic survey, nor have we ever compiled a shoreline manuscript of Little Diomede Island. The sand spit/reef was added to the nautical chart around 1930 and was based on information from the U.S. Coast Guard vessel BEAR which was in the area in 1925 and 1926. A copy of that report taken from microfilm is enclosed.

The sand spit/reef is simply a portrayal based on the textural information given in the report and, therefore, must be considered only symbolic rather than a true representation based on an accurate survey, hence the notation on the chart "Reef Rep."

Determining bottom foot ice conditions would require extensive field work which NOS has no plans to pursue.

Sincerely,

[redacted]

J. Austin Yeager
Rear Admiral, NOAA
Director
Coast and Geodetic Survey

Enclosure

Comments for the record of the hearing on the U.S.-U.S.S.R. Maritime Boundary Agreement, held on June 13, 1991, before the Committee on Foreign Relations

1. Failure of U.S.S.R. to ratify the agreement for over a year

On page 3 of the testimony of Legal Advisor Edwin D. Williamson is the statement: "I would also like to emphasize that our prompt ratification of the agreement could facilitate early Soviet ratification of the agreement...."

It would be worthwhile to find out what opposition has arisen in the Soviet Union to this agreement and why it has become such a low priority that no ratification has been forthcoming in over a year since the signing on June 1, 1990.

2. Legitimacy and substance of the 1977 U.S.-U.S.S.R. maritime boundary agreement

On page 5 of the testimony of Edwin D. Williamson is the statement: "In early 1977, the United States proposed that the two sides agree to respect treaties in force between them, in particular the 1867 Convention, in establishing their respective 200 mile zones. The Soviet government agreed...."

This is a significant revelation about a heretofore undisclosed 1977 U.S.-U.S.S.R. maritime boundary agreement. It must be presumed that this agreement is currently operative and carries the force of law. I strongly suggest that the following be made a part of this hearing record: 1. the full text of any documents by which the U.S. made the proposal in 1977, and any discussion papers and legal opinions leading up to the proposal; 2. the full text of any documents by which the Soviet government agreed to the proposal; 3. any documents by which any terms of the agreement were implemented; 4. any legal opinions rendered regarding interpretation, application, or other aspect of the agreement; 5. any documents showing any modification of the agreement; and 6. any documents showing any rescission, revocation, or termination of the agreement.

3. Cession of sovereignty over several Alaskan/U.S. islands

On page 9 of the testimony of Edwin D. Williamson is the statement: "There are allegations that this agreement gives away five Arctic islands to the Soviet Union. This allegation is simply incorrect. The agreement is a maritime boundary agreement. It does not recognize Soviet sovereignty over those islands."

First of all, it should be understood that the five islands referred to are the American Alaskan Arctic islands of Wrangell, Herald, Bennett, Jeannette, and Henrietta. In addition to these, other Alaskan islands are being given away. A portion of Little Diomede Island is being given away by drawing the boundary line north and south through the middle of the southwestern reef of Little Diomede, thus putting part of the reef on the Soviet side. Moreover, the westernmost Alaskan Aleutian chain is being given away by placing Copper Island, Sea Lion Rock, and Sea Otter Rock on the Soviet side.

The proposed maritime boundary agreement speaks of recognizing the sovereign rights and jurisdiction of each government with regard to fishery zones, exclusive economic zones, and outercontinental shelves. Such rights attach solely and exclusive from the sea coastline of sovereign land--to the seaward from which these zones and areas are measured. Recognizing the sovereignty of a government over these zones and areas directly concedes that such government obtained them by right of sovereignty to the land territory. The only other possibility would be that a government obtained such rights by cession from some other government.

If the proposed maritime boundary agreement indeed does not recognize Soviet sovereignty over any of these islands, but does recognize Soviet sovereignty over the zones and areas extending from them, then such a significant proviso must be explicitly included in the agreement. Otherwise, the plain and presumptive interpretation of the agreement would be that the U.S. is indeed abandoning and surrendering any sovereign rights it had to these islands.

4. Immediate property loss by State of Alaska under the agreement

This proposed maritime boundary agreement would bind the United States to accept Soviet sovereignty and ownership of the fishery zones, exclusive economic zones, and outercontinental shelf from all these islands. As such, this agreement would constitute an immediate taking of considerable property of the State of Alaska. Under the Submerged Lands Act of 1953, states have property rights to all submerged lands up to three miles from the coastlines. The fishery zones, EEZ, and OCS also begin at the same coastlines. Thus, all of the submerged lands belonging to Alaska around these islands (amounting to hundreds of square miles) will have been taken from the State of Alaska and ceded to the Soviet Union by the U.S. government. The State of Alaska would be immediately entitled to just compensation for these submerged lands, which are understood to be rich in hydrocarbon and other resources.

5. Warnings of legal consequences of policy of using the 1867 U.S.-Russia Convention Line as a boundary

Because of the unprecedented nature and immense consequences of the boundary setting policy, there have been times that legal warnings have been issued to the U.S. federal government about possible civil and criminal offenses being committed and the possible financial liability assumed by the federal government by taking property. ~~liability assumed by the federal government by taking property.~~

(Exhibits 66-69)

List of Exhibits

66. Letter dated May 31, 1990, from Everett P. Wood, Administrator of the Estate of Ralph Lomen, to Senator Jesse Helms

67. Telegram dated July 22, 1984, from Mark Seidenberg to Elizabeth Verville, Deputy Legal Advisor, c/o U.S. Embassy, Moscow

68. Telegram dated April 8, 1986, from Mark Seidenberg to Elizabeth Verville, Deputy Legal Advisor, c/o U.S. Embassy, Moscow

69. Mailgram dated July 24, 1988, from Carl Olson to George Shultz, Secretary of State, Washington, D.C.

900 University St. #15-R
Seattle, Washington 98101

May 31, 1990

[redacted]

U. S. Senator Jesse Helms
Senate Foreign Relations Committee
Washington, D. C. 20004

Dear Senator:

The question of ownership of Wrangell Island is on the agenda for today's Summit Meeting in Washington, D. C.

If the State Department wants to proceed with giving away the island, then it must obtain "just compensation" for taking this territory from its rightful owners, Lomen Brothers Company of Nome, Alaska.

On September 15, 1921 the American ship "Silver Wave", owned by Lomen Brothers, landed on Wrangell Island and the crew raised the Stars and Stripes over the island. They brought provisions for the thirteen American Eskimos.

On August 20, 1923 the relief ship "Donaldson", owned by Lomen Brothers, landed with provisions.

On May 13, 1924, Secretary of State Charles Evans Hughes declared that the Lomen Brothers were the owners of Wrangell Island.

On February 18, 1930 Attorney General William Mitchell acknowledged that Lomen Brothers Company was the owner of Wrangell Island, and that the Soviet occupation was in violation of international law.

Ownership of the island with its potentially vast resources of oil and gas, on and adjacent to Wrangell Island, carries with it huge monetary values. If the State Department is going to deprive the Lomens of these values, it has an obligation to compensate the Lomens for such loss.

[redacted]

Yours very truly,

EPW

Everett P. Wood
Administrator of the
Estate of Ralph Lomen

EPW/eo

EXHIBIT 6G

MAILGRAM SERVICE CENTER
MIDDLETOWN, VA. 22645
22PM

Western Union Mailgram

-016746S204002 07/22/84 ICS IPMMTZZ CSP NVFB
1 7039310401 MGM [redacted] ARLINGTON VA 07-22 1115P EST

MARK J SEIDENBERG
PO BOX 6616
ARLINGTON VA 22206

THIS IS A CONFIRMATION COPY OF THE FOLLOWING MESSAGE:

7039310401 TDMT ARLINGTON VA 313/298 07-22 1115P EST
WUW 871413160 413160 USGSO SU
ELIZABETH VERVILLE DEPUTY LEGAL ADVISOR
US EMBASSY
MOSCOW SOVIET UNION
LEGAL NOTICE: AS AN OWNER OF APPROXIMATELY 93,000 ACRES ON WRANGELL ISLAND, ALASKA. UPON ADVICE OF COUNSEL, I HEREBY NOTICE YOU AND YOUR DELEGATION THAT ANY ACT TO ESTABLISH A MARITIME BOUNDARY, BETWEEN THE U.S. AND SOVIET UNION, THAT DOES NOT INCLUDE THE UNITED STATES ISLANDS OF WRANGELL, HERALD, BENNETT, HENRIETTA, AND JEANNETTE AS SOVEREIGN TERRITORY OF THE STATE OF ALASKA MAY SUBJECT YOU TO CRIMINAL AND/OR CIVIL PENALTIES. ESTABLISHING THE 1867 CONVENTION LINE AS A MARITIME BOUNDARY BY EITHER ORTHODRUME OR LOXODROMIC CURVE PROJECTIONS WILL EXCLUDE THE ABOVE STATED FIVE ISLANDS FROM ALASKA. I INTEND TO HOLD YOU AND YOUR AGENTS PERSONALLY FOR ACTIONS DEPRIVING ME OF MY RIGHTFUL PROPERTY INTERESTS. THESE U.S. ISLANDS WERE FIRST INCLUDED WITHIN ALASKA BY COAST AND GEODETIC SURVEY UNDER SUPERINTENDENT JULIUS HILGARD, AND REMAIN SO TODAY. ALASKA'S STATUS AS AN INCORPORATED TERRITORY WAS SETTLED BY THE SUPREME COURT IN 1905 (197 U.S. 516). SECTION 2 OF 72 STAT. 339 STATES: THE STATE OF ALASKA SHALL CONSIST OF ALL THE TERRITORY, TOGETHER WITH THE TERRITORIAL WATERS APPURTENANT THERETO, NOW INCLUDED IN THE TERRITORY OF ALASKA. MY TITLE AND THAT OF OTHERS IS RECORDED AT NOME. PLATTING AUTHORITY IS THE CADASTRAL ENGINEERING SECTION, ALASKA STATE DIVISION OF LANDS, PURSUANT TO ALASKA CODE SECTIONS 40.15.010 AND 40.15.075. YOUR DELEGATION IS DANGEROUSLY CLOSE TO VIOLATING EACH OF THE FOLLOWING STATUTES: ALASKA CODE SECTION 11.60.340 (CONSPIRACY AGAINST RIGHTS OF PERSONS) IN CONJUNCTION WITH ARTICLE 1, SECTION 1 AND 18 OF THE CONSTITUTION OF THE STATE OF ALASKA. 50 USC SECTION 783 (CONSPIRACY TO ATTEMPT TO ESTABLISH TOTALITARIAN DICTATORSHIP). I AM, AS EVER VIGILANT,

SIGNED: MARK JEROME SEIDENBERG PO BOX 6616 ARLINGTON VA 22206

CC GEORGE SCHULTZ
CC FRED FIELDING
CC DON HODEL
CC WILLIAM CLARK
CC MICHAEL SPAAN

EXHIBIT 67

western union **Telegram**

IPMWGWK WSH [redacted]
1-019371A098 0[redacted]86
ICS IPMWGWC WSH[redacted]
00440 (03171) WASHINGTON DC 04-08 0629P EST
ICS IPMWGWK
(CONFIRMATION COPY MAIL TO
MARK JEROME SEIDENBERG
4500 S. FOUR MILE RUN DR #214
ARLINGTON VA 22204

ELIZABETH VERVILLE DEPUTY LEGAL ADVISOR
DEPT OF STATE
US EMBASSY
MOSCOW (SOVIET UNION)

LEGAL NOTICE: UPON ADVICE OF MY ATTORNEYS, I HEREBY NOTICE YOU AND EVERY MEMBER OF YOUR DELEGATION THAT ANY ACT IN FURTHERANCE OF THE ESTABLISHMENT OF A MARITIME BOUNDARY BETWEEN THE UNITED STATES AND THE SOVIET UNION WILL LIKELY CAUSE SEVERE DAMAGE TO MY PROPERTY RIGHTS TO APPROXIMATELY 93,000 ACRES ON WRANGELL

W.U. 1201-SF (R5-69)

western union **Telegram**

ISLAND (AS DULY RECORDED AND TO THE STATE OF ALASKA, WITH THE ALASKA STATE DIVISION OF LANDS)
I AM INFORMED AND BELIEVE, THAT ANY WILFUL OR NEGLIGENT FAILURE OF YOUR DELEGATION TO RECOGNIZE U.S. AND ALASKA SOVEREIGNTY OVERF THE ISLANDS OF WRANGELL, HERALD, BENNETT, HENRIETTA AND JENNETTE MAY SUBJECT YOU TO CRIMINAL AND/OR CIVIL PENALTIES [redacted] WHICH INCLUDE THE FOLLOWING: ALASKA CODE SECTION 1[redacted]340 (CONSPIRACY AGAINST RIGHTS OF PERSONS) IN CONJUNCTION [redacted] ARTICLE 1, SECTION 1 AND 18 OF THE CONSTITUTION OF THE STATE OF ALASKA. 50 USC SECTION 783 (CONSPIRACY TO ATTEMPT TO ESTABLISH A TOTALITARIAN DICTATORSHIP).

BY ESTABLISHING THE 1867 CONVENTION LINE OR ANY LINE TO THE EAST OF IT AS A U.S. MARITIME BOUNDARY. THE US SOVERIGN RIGHTS TO ABOVE STATED FIVE ISLANDS OF ALASKA WILL BE FORFEITED TO THE SOVIET GOVERNMENT, A MARXIST- LENINIST DICTATORSHIP.I BEGAN PUT YOU ON NOTICE AS I DID ON JULY 22, 1984 OF THE U.S. FORMAL AND PERFECTED CLAIM TO SAID ISLANDS.

THESE ISLANDS WERE FIRST INCLUDED WITHIN ALASKA BY THE U.S. COAST AND GEODETIC SURVEY UNDER SUPERINTENDENT JULIUS HILGARD.
I FURTHER PUT YOU ON NOTICE OF THE PENDING STATUS OF SENATE

EXHIBIT 68

W.U. 1201-SF (R5-69)

western union

Telegram

RESOLUTION 279 AND HOUSE BILL 3766 IMPACTING ON YOUR ACTIONS.

SINCERELY,

[redacted]

MARK JEROME SE[redacted]BERG

C.C.

GEORGE SCHULTZ
GEO SHEFFIELD
SEN STEVENS
SEN. MORKOWSKI
CONG. YOUNG
ADM. POINDEXTER
CONG SILJANDER
SEN. JESSE HELMS
CARL OLSON

2131 EST

IPMWGWK WSH

166

W.U. 1201-SF (R5-69)

[redacted]

California Republican Party

1903 West Magnolia Blvd. • Burbank, California 91506 • (818) 841-5210

Bob Naylor
Chairman

Frank Visco
State Vice Chairman

Gerti B. Thomas
Regional Vice Chairman North

Beth Ahlf
Regional Vice Chairman Central

Mrs. Phil Moore
Regional Vice Chairman South

Charlotte Mousel
Secretary

Marcia Gilchrist
First Assistant Secretary

Phil Hawkins
Second Assistant Secretary

Howard G. Schaefer
Treasurer

Brian O'Toole
Assistant Treasurer

Hon. Clair Burgener
National Committeeman

Esther Greene
National Committeewoman

James Dignan
President, County Chairmen's Association

January 29, 1988

Honorable Ronald Reagan
The President of the United States
The White House
Washington, D.C. 20500

Dear Mr. President:

Enclosed is a copy of a resolution relative to the Alaska Boundary Negotiations which passed unanimously at our last California Republican Party Convention.

I ask that you consider the support by the California State Legislature with respect to Joint Resolution 37, and our membership's convictions on the matter of involving the State of Alaska in boundary negotiations with the Soviet Union.

Respectfully,

Bob Naylor

Robert Naylor
Chairman

cc: Vice President George Bush
Hon. Jim Wright,
Speaker of the House
Steve Cowpers,
Governor of Alaska
California Congressional Delegation

Exhibit 8

PASSED BY CALIFORNIA REPUBLICAN PARTY IN CONVENTION, ANAHEIM, CALIFORNIA SEPTEMBER 27, 1987

RESOLUTION

RELATIVE TO ALASKA BOUNDARY NEGOTIATIONS

SUBMITTED BY: CARL OLSON

WHEREAS, A resolution was passed by the California State Legislature Joint Resolution 37, authored by Marian LaFollette (38 AD) and co-authored by Assemblymen William Leonard, Gil Ferguson, Nolan Frizzelle, Eric Seastrand, John Lewis, Bill Bradley, Stan Statham, Gerald Felando, and Phil Wyman, and by Senators Don Rogers and Ed Royce supporting the State of Alaska in boundary negotiations with the Soviet Union; and

WHEREAS, The boundaries of the State of Alaska are of vital concern to the state government of Alaska; and

WHEREAS, The essence of sovereignty of a state within America's federal system requires that a state government have complete and unambiguous jurisdiction over well-defined geographical boundary lines; and

WHEREAS, Any time that boundaries of a state are to be altered in any way, that state has an essential and overriding interest in the determination of the boundary; and

WHEREAS, Alaska is unique among all American states in that it is the only state with the potential for having boundaries with more than one foreign country (Canada and the Soviet Union); and

WHEREAS, Boundaries with foreign countries and a state are, and ought to be, coterminous with America's national boundaries with those foreign countries; and

WHEREAS, Negotiations are underway between the United States Department of State and the government of the Soviet Union over setting boundaries between the United States and the Soviet Union, and there have been at least seven rounds of negotiations on this issue since 1981; and

WHEREAS, The economic issues of petroleum, fishery, and other valuable resources have great impact on Alaska's welfare and prosperity; and

WHEREAS, At no time has the United States Department of State allowed, or even offered to invite, a representative of the state government of Alaska to be on any negotiating delegation, or has it formally solicited the input or advice of the state government of Alaska over the content or form of these negotiations; and

WHEREAS, These negotiating delegations that the United States Department of State has assembled have included representatives of various other agencies of the federal government; and

WHEREAS, It is settled procedure for negotiations of boundaries that representatives of any affected state not only must be included in the negotiations, but also must consent to the proposed terms of the boundary treaty (such as was the case when Secretary of State Daniel Webster negotiated with Great Britain in 1842 over the boundary between Canada and the State of Maine); and

WHEREAS, The usurpation of one state's rights and sovereignty is an attack on the entire federal system of the United States of America; now, therefore, be it

RESOLVED, That the California Republican Party supports the State of Alaska in its rightful position of participation in any boundary negotiations involving its boundaries with the Soviet Union or Canada; and, be it further

RESOLVED, That the California Republican Party urges the President and U.S. Congress to ensure that any terms and conditions of any boundary agreement with respect to Alaska's boundaries is consented to by the State of Alaska, and that any such boundary agreement is drafted in the form of a treaty or ratification by the United States Senate; and, be it further

RESOLVED, That the Secretary is directed to transmit copies of this resolution to the President and the Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States, and to the Governor of Alaska.

The California Republican Assembly

RESOLUTION E

SOVIET EMPIRE'S CLAIM TO 5 ALASKAN ISLANDS

WHEREAS: The following five islands located in the Arctic Circle adjoining Alaska: Henrietta, Jeanette, Bennett, Wrangell, and Herald were discovered by United States explorers, and have been claimed by the United States Government since 1881, and

WHEREAS: the Soviet Empire is negotiating with our State Department for the legal possession of these islands; therefore be it

RESOLVED: that the Board of Directors urges our members of Congress to oppose the Soviet Empire's claim to these islands which are known to be rich in oil and are strategically located; and be it further

RESOLVED: that our State Department be unyielding to the Russian demands; and be it further

RESOLVED: that this mandate of the January 18, 1987 CRA Board of Directors meeting be forward to : The President of the United States, United State Secretary of State, President Pro-tem of the United States Senate, Speaker of the House of Representatives, and Chairpersons of the Foreign Affairs Committess of both the United States Senate and the House of Representatives.

Adopted January 18, 1987
Board Meeting, Ontario, Calif.

Dr. Ralph Waugh, President
40646 16th Street West
Palmdale, Calif. 93550
805-948-5061, 273-2233

Exhibit 9

The California Republican Assembly

Bob Byerley, President
1230 Essex Drive
Fairfield, California 94533
707-422-9696

Be it resolved by the California Republican Assembly to urge each of the Republican members of the State Senate and Assembly to sponsor or co-sponsor the attached resolution in support of the State of Alaska regarding its right to be included in the U.S. State Department's negotiations of an international boundary with the Soviet Union.

Adopted in Convention
March 29, 1987
Irvine, California

Exhibit 10

RESOLUTION OF SUPPORT FOR STATE OF ALASKA
IN BOUNDARY NEGOTIATIONS WITH SOVIET UNION AND CANADA

Whereas the boundaries of the State of Alaska are of vital concern to the State Government of Alaska, and

Whereas the essence of sovereignty of a State within America's federal system requires that a State Government have complete and unambiguous jurisdiction over well-defined geographical boundary lines, and

Whereas any time that boundaries of a State are to be altered in any way, that State has an essential and overriding interest in the determination of the boundary, and

Whereas Alaska is unique among all American States in that it is the only State with the potential for having boundaries with more than one foreign country (i.e. Canada and the Soviet Union), and

Whereas boundaries with foreign countries and a State are, and ought to be, coterminous with America's national boundaries with said foreign countries, and

Whereas negotiations are underway between the U.S. Department of State and the government of the Soviet Union over setting boundaries between the United States and the Soviet Union, and

Whereas there have been at least ~~six~~ seven rounds of negotiations on this issue since 1981, and

Whereas the economic issues of petroleum, fishery, and other valuable resources have great impact on Alaska's welfare and prosperity, and

Whereas at no time has the U.S. Department of State allowed, or even offered to invite, a representative of the State Government of Alaska to be on any said delegation, nor has it formally solicited the input or advice of the State Government of Alaska over the content and/or form of these negotiations, and

Whereas these negotiating delegations that the U.S. Department of State has assembled has included representatives of various other agencies of the Federal Government, and

Whereas it is settled procedure for negotiation of boundaries that representatives of any affected State not only must be included in the negotiations, but also must consent to the proposed terms of the boundary treaty (such as was the case when Secretary of State Daniel Webster negotiated with Great Britain in 1842 over the boundary between Canada and the State of Maine), and

Whereas a usurpation of one State's rights and sovereignty is an attack on the entire Federal system of the United States of America,

Therefore be it resolved by the State of CALIFORNIA to support the State of Alaska in its rightful position of participation in any boundary negotiations involving its boundaries with the Soviet Union or Canada, and

Be it further resolved that any terms and conditions of any boundary agreement with respect to Alaska's boundaries must be consented to by the State of Alaska, and that any such boundary agreement must be drafted in the form of a treaty for ratification by the U.S. Senate.

LOS ANGELES COUNTY
FEDERATION OF REPUBLICAN WOMEN

HEADQUARTERS: 511 MISSION ST., SO. PASADENA, CA 91030, (818) 441 2861

RESOLUTION TO PREVENT GIVEAWAY OF ALASKA ISLANDS

WHEREAS: The United States State Department has proceeded unchecked toward giving away the strategic Alaskan Arctic islands of Wrangell, Herald, Bennett, Henrietta, and Jeannette to the Soviet Union; and

WHEREAS: The State Department is also negotiating on our immensely valuable seabeds of the outer continental shelf areas around Alaska; and

WHEREAS: The State Department has conducted at least 8 negotiating sessions with the Soviet Union in total secrecy from the American public and Congress, refusing even to give the names and titles of the U. S. negotiators; and

WHEREAS: The State Department is trying to create a boundary between Alaska and Siberia without a treaty, thereby avoiding the constitutional requirement for a vote of the U.S. Senate for approval of such a boundary, and

WHEREAS: The State Department has unconstitutionally excluded the State of Alaska from participating in any of the negotiating sessions with the Soviets, even though they would alter Alaska's own boundary and surrender Alaskan territory to the Soviets; now, therefore be it

RESOLVED: That the Board of Directors of the Los Angeles County Federation of Republican Women urge all Congressmen to support efforts to stop the giveaway of the Alaska Islands and the vast oil-rich seabeds to the Soviet Union, and to investigate the State Department personnel who are responsible for formulating this policy; and be it further

RESOLVED: That we urge President George Bush to prohibit the Secretary of State, James Baker, from completing this giveaway, and to require former Secretary of State, George Schultz, to come before Congress to testify under oath about the secret negotiations, and the names of the personnel involved; and be it further

RESOLVED: That we send copies of this resolution to President George Bush and to our Los Angeles County Congressmen, Senators Pete Wilson and Alan Cranston, and Secretary of State James Baker.

Submitted by North Hollywood Republican Women Federated

Unanimously Approved 2/22/89

Exhibit 11

Women's Republican Club

of Grosse Pointe

PRESIDENT

MISS B EUGÉNIE DURANT
425 Lincoln Road
Grosse Pointe, 48230

1ST VICE-PRESIDENT

MRS. GERALD F. WEBSTER

2ND VICE-PRESIDENT

MRS. STEPHEN WASINGER

RECORDING SECRETARY

MRS. RICHARD SUHRHEINRICH

CORRESPONDING SECRETARY

MRS. J. MICHAEL GETZ

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MRS. CHARLES S. DAVIS, III

ASSISTANT TREASURER

MRS. ANDREW BAETZ

EDUCATION CHAIRMEN

MRS. W. CLARK DURANT, III
MR[illegible]IAM F. STREIT

DIR[illegible]S

MRS. CHARLES B. BEGG, JR.
MRS. H. A. POWELL
MRS. ALFRED R. REUTHER, JR.

ADVISORY BOARD

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MRS. ROBERT ROUSSEAU
MRS. W. H. SCHMITT
MRS. MARK STEVENS
MRS. FRANK G. WELSHER
MRS. FRANK WILTON
MRS. BURT VAN SICKLE

<<<<<<<<<<
RESOLUTION
<<<<<<<<<<

WHEREAS the United States State Department is instigating a formal giveaway of American land to the U.S.S.R., and

WHEREAS the International Court of Law has always recognized the validity of the United State's claim to these five Alaskan Islands - Wrangell, Bennett, Henrietta, Jeannette and Herald - by virtue of discovery and settlement, and

WHEREAS said American islands contain oil-rich sea beds, the drilling, refining and distribution of which can provide thousands of jobs for Americans as well as petroleum security for future generations, and

WHEREAS any border dispute should be settled by a 2/3 vote of the Senate and not by a decree of the State Department,

THEREFORE let it be known that the Women's Republican Club of Grosse Pointe fully supports the work and commitment of State Department Watch in keeping the American Alaskan islands American.

Voted on and passed unanimously on March 26, 1987.

B. Eugénie Durant
President

Exhibit 12

California Federation of Women's Clubs

Member: General Federation of Women's Clubs, Int'l

HEADQUARTERS: SUITE 610, 2220 TULARE, FRESNO, CALIFORNIA 93721 / TELEPHONE 209-264-3690

PRESIDENT
Ruth Schermitzler (Mrs. Lyle)
610 Archwood
Brea, 92621

PRESIDENT-ELECT
Mary Ruth Dargis (Mrs. Jean)
3479 Grossmont Drive
San Jose, 95132

FIRST VICE-PRESIDENT
Rosemary Newton (Mrs. Kenneth)
5644 Blackthorne Avenue
Lakewood, 90712

SECOND VICE-PRESIDENT
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Grand Terrace, 92324

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Vivian Moore (Mrs. Oliver)
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Orinda, 94563

PARLIAMENTARIAN
Alice T. Allen (Mrs. Ethan)
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Whittier, 90606

MEMBERSHIP DIRECTORS
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Redding, 96002

Betty Allen (Mrs. Edward)
P.O. Box 1281
Twain Harte, 95383

Lila Hummel (Mrs. Leonard)
836 East Grand Avenue No. 4
El Segundo, 90245

Kathleen Pritchard (Mrs. George)
1300 Paseo Grande
Fullerton, 92633

DIRECTOR OF JUNIOR CLUBS
Brenda Fletcher
12600 Santa Lucia
Atascadero, 93422

OFFICE SECRETARY
Jo Windsor (Mrs. L. H.)
Headquarters Office

June 3, 1988.

State Department Watch
P. O. Box 65398
Washington, D.C. 20035

Dear Sir:

The attached resolution was adopted by the California Federation of Women's Clubs at their annual State Convention held May 9 - 13, 1988 at Oakland, California.

It is our hope that you will give serious attention to the subject of this motion and the request therein.

With best wishes,

Sincerely,

Ruth Schermitzler

Mrs. Lyle Scherm[illegible]zler
CFWC President

Exhibit 13

EMERGENCY RESOLUTION

ALASKAN ISLANDS GIVEAWAY

Whereas, The Convention of 1867, at which time the United States of America purchased the Alaskan Territory from Imperial Russia, used the Convention Line as the Maritime Boundary, and

Whereas, This Convention Line has been recognized by both parties to that sale and subsequently the Islands named Wrangell, Herald, Bennett, Henrietta and Jeannette were discovered within this purchased territory, and

Whereas, These Islands are not only valuable as strategic United States Territory but are located in more than half of all the vast United States outer continental shelf which contains billions of barrels of oil and natural gas, and

Whereas, Secret negotiations by the United States State Department, under way since 1981 between Washington and Moscow, have been uncovered which, if continued in their present trend would cede these Islands to the Soviet Union without any reference to the constitutionally required action by the United State Senate, and

Whereas, As uncovered by and reported in the Wall Street Journal, State Department Watch and other publications, these reports bring to light the possibility of ceding these strategic and profitable Islands, without regard to the vast economic future, at the upcoming USA-USSR Summit Meeting to the Soviet Union, Therefore be it

RESOLVED, That the California Federation of Women's Clubs, in Convention assembled this 13th day of May, 1988, demands that such secret negotiations leading to the illegal ceding of territories cease forthwith and the appropriate Congressional Committees of both legislative bodies be completely informed and exercise their investigative powers to prevent this and any other future secret territorial giveaways, and further

RESOLVED, That copies of this Resolution be sent to:

President Ronald Reagan, 1600 Pennsylvania Avenue,
Washington, D. C. 20500

Secretary of State George Schultz, U. S. State Department,
Washington, D. C. 20505

Rozanne L. Ridgeway, Assistant Secretary of State, (Foreign Policy Representative with the Soviet Union), Department of State, Washington, D. C. 20505

The following State Department Officials involved in this giveway policy:

David Robinson, Legal Adviser (Delegation Leader)

Elizabeth Verville and Scott Hajost, Legal Adviser's Staff

Harry Harshall and Richard Scully, Bureau of Oceans and International Environmental and Scientific Affairs

Robert W. Smith, Office of the Geographer

Senator Alan Cranston, Senate Office Building, Washington, D. C. 20510

Senator Pete Wilson, Senate Office Building, Washington, D. C. 20510

Representative William E. Dannemeyer, 1214 Longworth, House Office Building, Washington, D. C. 20515

The Wall Street Journal

State Department Watch, P. O. Box 65398, Washington, D. C. 20035

Phyllis Roberts, President, General Federation of Women's Clubs, 1734 N Street N.W., Washington, D. C. 20036

Ruth Schermitzler, President, CFWC, 610 Archwood, Brea 92621

Mary Ruth Dargis, President-Elect, CFWC, 3479 Groosmont Drive, San Jose 95132

Madoline Porter, Chairman, International Affairs Department, CFWC, 2321 Hastings Drive, Belmont 94002

Jacquie Gordon, Chairman, Public Affairs Department, CFWC, 23325 Bessemer Street, Woodland Hills 91367

Submitted by the Resolutions Committee

Legislative Research Associates

Box 2973 • Springfield, Illinois 62708

For–
Constitutional
Government

State
Sovereignty
National Union

Oct. 15, 1986

Mr. Carl Olson, Chairman
State Department Watch
West Coast Office
P. O. Box 2161
Toluca Lake, Calif. 91602

Dear Mr. Olson:

Thank you for your letter of Sept. 29 and the enclosures. We plan to make a quantity of copies of the enclosures for distribution by our members. We ask that you keep us supplied with all additional material that may come into being, if possible send quantities and eliminate the need of making copies - also, please keep us informed of developments in this very important fight to save our islands etc..

The resolution, copy of which you request, adopted by L.R.A. is as follows:

> "On this 13th day of September, 1986, Legislative Research Associates does hereby resolve to take on as a project the support of State Department Watch and Congressman Mark Siljander in their effort to stop the give away to the Soviet Union of the five Alaskan Islands and vast area of the Outer Continental Shelf."

Sincerely,

Marge Visney, Sec'y

MV/MH

Marge Visney, Secretary

Exhibit 14

ADOPTED AUGUST 2, 1985

THIRTEENTH NATIONAL CONVENTION

YOUNG AMERICANS FOR FREEDOM

DENVER, COLORADO

REPORTED BY DOMESTIC AFFAIRS

SUBCOMMITTEE

WHEREAS, YOUNG AMERICANS FOR FREEDOM HAS RESOLVED AT ITS 9TH BI-ENNIEL CONVENTION IN NEW YORK CITY, AUGUST 1971, THAT THE SOVIETS OCCUPYING WRANGELL ISLAND, ALASKA BE REMOVED FORTHWITH AND THE STATE DEPARTMENT CEASE AND DESIST ITS PLAN TO GIVE PERMANENT CONTROL OF SAID ISLAND TO THE SOVIET UNION,

WHEREAS, IN 1981 THE STATE DEPARTMENT BEGAN MARITIME BOUNDARY NEGOTIATION WITH THE SOVIET UNION OVER A ALASKAN-SIBERIAN BOUNDARY, WHICH DID NOT BECOME PUBLICLY KNOWN UNTIL 1984. DURING THE COURSE OF THESE NEGOTIATIONS THE STATE DEPARTMENT OFFERED TO CEDE TO THE SOVIET UNION FIVE ARCTIC ISLANDS NOW PART OF THE STATE OF ALASKA AND HALF OF THE OUTER CONTINENTAL SHELF OF THE UNITED STATES,

WHEREAS, IN 1973 THE GENERAL PUBLIC BECAME AWARE THAT THE KGB WAS USING WRANGELL ISLAND, ALASKA AS A PRISON CAMP FOR NON- SOVIET PRISONERS. [SOURCE: USSR LABOR CAMPS. HEARINGS BEFORE THE SUBCOMMITTE TO INVESTIGATE THE ADMINISTRATION OF THE INTERNAL SECURITY LAWS OF THE COMMITTEE OF THE JUDICIARY, U.S. SENATE, 93RD CONGRESS, FIRST SESSION, FEBRUARY 1 & 2,1973, WASHINGTON, GOVERNMENT PRINTING OFFICE, 1973]

THEREFORE BE IT RESOLVED, THAT YOUNG AMERICANS FOR FREEDOM CALL ON PRESIDENT REAGAN TO REMOVE FROM FEDERAL OFFICE THOSE OFFICIALS RESPONSIBLE FOR OFFERING THE SOVIET UNION THE ALASKAN ISLANDS OF WRANGELL, HERALD, HENRIETTA, BENNETT, AND JEANNETTE WITH HALF OF THE OUTER CONTINENTAL SHELF OF THE UNITED STATES.

BE IT FURTHER RESOLVED, THAT THE ALASKAN-SIBERIAN BOUNDARY TALKS BE BROKEN OFF FORTHWITH AND PRESIDENT REAGAN REMOVE ALL SOVIET NATIONALS FROM THESE FIVE ALASKAN ISLANDS.

Exhibit 15

Border Dispute

Question: What country was the first to lose territory to Soviet aggression?

Answer: Not Finland, not even the unfortunate Baltic States, but the United States of America.

That happened on Aug. 20, 1924, when the crew of the Soviet gunboat Krasny Oktober (Red October) landed on Wrangell Island off the northeast coast of Siberia and took as prisoners the 14 American fur trappers encamped there. Twelve survivors were eventually released. Two men died in captivity. The Soviets claimed Wrangell and now operate a political prison camp on the island.

On "Face the Nation" last month, National Security Adviser Robert McFarlane indicated that the Wrangell "boundary dispute" will be on the table at the Geneva summit. Some members of Congress believe the State Department wants to finally resolve the island's status—in the Soviets' favor. Resolutions demanding that any agreement be subject to congressional approval have been drafted by Sen. Jesse Helms and Rep. Mark Siljander.

A U.S. irredentist claim to a chilly piece of Arctic real estate might sound like small potatoes. But the congressmen figure that it doesn't make much sense to complain to the Soviets about their expansionist tendencies—as President Reagan clearly intends to do—while at the same time politely forgetting that they once grabbed some land from the U.S. itself.

The U.S. claim to Wrangell and four small nearby islands dates from 1881. A U.S. Revenue Marine (Coast Guard) party that included John Muir, the famed naturalist and founder of the Sierra Club, visited the area that year. Mr. Muir later wrote that they "landed on Wrangell Land and took possession of it in the name of the United States." A czarist explorer, Lt. Ferdinand Wrangell, admitted in his memoirs that he never actually discovered the island that bears his name. Until the Krasny Oktober showed up, there was no official Russian presence.

Several U.S. oil companies are interested in searching for oil on the continental shelf between the U.S. and the Soviet Union. When last year the Interior Department announced it would begin leasing tracts in the Arctic Ocean, the State Department warned that anyone bidding on tracts to the west of the so-called 1867 Convention Line should be aware that the area might become Soviet territory.

As recently as 1973, the State Department maintained that the U.S. had never relinquished its claims to Wrangell and the other islands, and that the "convention lines" depicted on maps *did not* constitute an international boundary. But in December 1984, after some negotiations in Moscow, the department said it had not "found any evidence that the Government of the United States has ever formally asserted a claim to any of the islands." That seems to contradict the John Muir account. It also ignores a 1959 ruling of the Foreign Claims Settlement Board that the property of the fur trappers was illegally expropriated. *Russian* maps made early in this century show the islands as American.

We've had our own doubts about irredentist claims. The further back in history you go, the greater amount of disputed acreage there is. But the Soviets themselves are among history's most aggressive irredentists. Aside from their grab of the Baltic States and their expansion of the old czarist empire westward to the Elbe and southward to Kandahar, they have border disputes with Norway, Sweden, Japan and China. Whatever the prospects for satisfaction, the U.S. should hang tough over Wrangell Island just to demonstrate its resistance to Soviet imperialism.

THE WALL STREET JOURNAL.

WEDNESDAY, NOVEMBER 13, 1985

Exhibit 16

Letters to the Editor

Keep the Wrangell Wrangle on Ice

I was interested to read your Nov. 13 editorial "Border Dispute" about Wrangell Island and the U.S.-Soviet maritime-boundary discussions. Alaska has many ties to the boundary area and the islands you mention. It was two Alaskans, the Lomen brothers, who lost furs and trapping equipment when the Soviet ship landed on Wrangell Island in 1924. The Lomens received compensation for the personal property they lost in the 1959 Foreign Claims Settlement Commission decision you mentioned.

Currently, many Alaskans depend on the resource-rich waters in the Navarin Basin area of the Bering Sea for their livelihood. Although your editorial made a number of valid points, I believe it is important to separate the question of whether the U.S. has ever exerted claims over Wrangell Island and other territories north of the Soviet Union, from the negotiations now under way with the U.S.S.R. over the boundary in the Navarin Basin. I understand that the two issues can be linked, but it appears that our interests would be better served by resolving whatever issues can be addressed now, and working on the other issues as facts become more clear.

The Navarin Basin issue requires our immediate attention because Soviet activities in the waters off Alaska have become increasingly worrisome. This summer, the Soviets deliberately harassed U.S. drilling rigs involved in energy exploration in the Navarin Basin area. Soviet overflights of rigs caused dangerous interference in the safe operation of helicopters carrying American workers to and from the oil rigs. These irresponsible incidents jeopardize the negotiations which we have been conducting over the maritime boundary, and put the lives of Americans at risk. The State Department protested the flights.

I am monitoring the negotiations because I am concerned that our negotiators keep American energy, fisheries and strategic interests foremost in their minds. The waters off Alaska contain some of the world's richest fisheries, and could also contain significant mineral deposits.

On the other issues you mention, I have reviewed a great deal of material about claims over Wrangell, Henriette and other islands, and I confess that the record is not clear. I believe Congress must be given a comprehensive review of the dispute, and hear all sides before a judgment is made about ownership. In this regard, I am considering legislation to require our government to give the Senate Foreign Relations Committee a full report, which could provide a basis for future hearings. In addition, any treaty negotiated with the Soviet Union that proposes to give up territory claimed by the U.S. will be subject to careful review by the Senate before it is ratified.

FRANK H. MURKOWSKI (R., Alaska)
U.S. Senate
Washington

THE WALL STREET JOURNAL MONDAY, DECEMBER 2, 1985

Exhibit 17

Oil deposits shift Cold War to drab, icy Arctic islands

By SUE CROSS
Associated Press

JUNEAU, Alaska — For more than 60 years, since Russian sailors landed on Wrangel Island, raised the Red flag and kicked out a dozen people, the Soviet Union and the United States have been arguing over who really owns five Arctic islands off Siberia.

Depending on whose version of history is believed, the people forced off the island by sailors from the ship Red October in 1924 were either American colonists or Eskimo hunters.

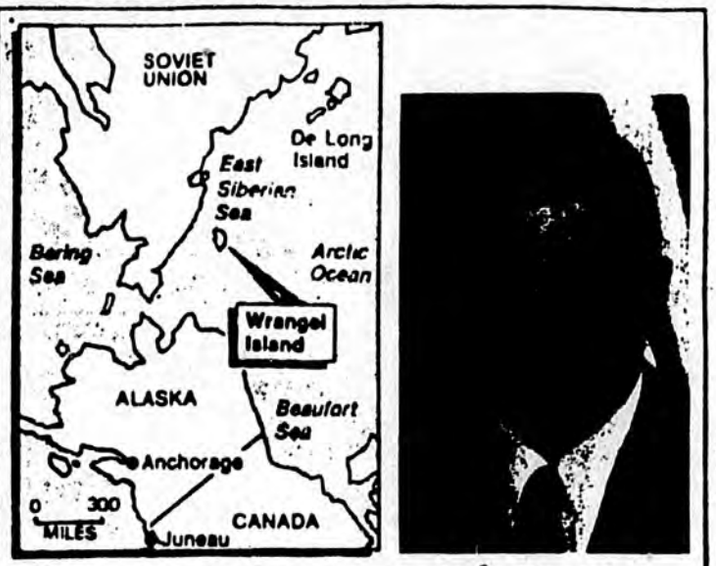
The American claim to Wrangel and the other five islands has been reincarnated recently by politicians who say the area includes vast oil reserves and submarine access to the Arctic.

In Congress, Sen. Jesse Helms, R-N.C., and Rep. Mark Siljander, R-Mich., have introduced resolutions seeking what they call reassertion of the United States' control over the islands. And the Alaska Senate passed a resolution this month echoing that request and asking that the islands be made part of Alaska.

"I think there's far more at stake here than five islands covered by ice and snow," said Democratic State Sen. Bill Ray. "If we surrender these islands, we'll be surrendering more than half our continental shelf."

Wrangel and Herald islands lie about 100 miles north of Siberia and 200 miles west of the recognized United States border. The other islands are farther west and north, part of the DeLong group named for U.S. Navy Commander George DeLong, who explored the area around 1880.

REPORT FROM ALASKA



U.S. Sen. Ted Stevens, R-Alaska, told a joint session of the Alaska Legislature that the state should stay out of the fight over the disputed islands.

Regardless of whether the islands ever were American, they never were Alaskan, and that's a major point in arguments that the state should not dabble in foreign policy.

"Alaskans don't belong in that fight," U.S. Sen. Ted Stevens, R-Alaska, told a joint session of the Alaska Legislature.

The islands were not part of Russia's sale of Alaska to the United States in 1867, and the United States repeatedly has declined to claim them, said State Sen. Jay Kerttula, a Democrat.

Though Americans are credited with discovering some of the islands, they never formally claimed them, said U.S. Sen. Frank Murkowski, R-Alaska.

"I don't want to see the Soviets get anything they don't have coming, but ... I've yet to see the validity of claims made by the U.S. government," Murkowski said.

MIAMI HERALD, 23 March 1986

Exhibit 18

THE WALL STREET JOURNAL.

MONDAY, DECEMBER 7, 1987

Crusade to Reclaim Arctic Island for U.S. May End at Summit

* * *

Bureaucrat Has Devoted Life To Cause Despite Odds; Site of Soviet Foul Deeds?

By ROBERT S. GREENBERGER
Staff Reporter of THE WALL STREET JOURNAL

WASHINGTON—Mark Seidenberg believes that Aug. 20, 1924, was a day of infamy for the United States.

On that day, the Soviet warship Red October steamed into Doubtful Harbor on Wrangell Island in the Arctic Ocean. Armed with a six-pound cannon and a company of soldiers, the Red October captured 14 Americans who worked for Lomen Reindeer & Trading Corp. and shipped them off to nearby Siberia.

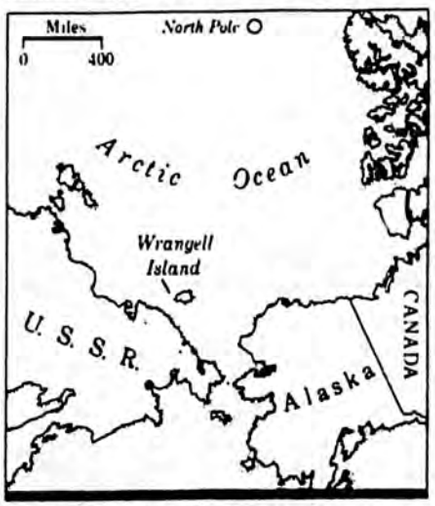
Carl Lomen, a U.S. businessman, had just bought the island. He sued the Soviets to regain 167 fox skins and 40 polar-bear skins, and complained to the U.S. State Department. The U.S. was miffed but said that it couldn't do much because it didn't officially recognize the new Soviet government. The Americans were freed after the Red Cross paid $1,600 to transport them to Seattle, but Mr. Lomen fought the rest of his life to regain Wrangell, passing the torch to Mr. Seidenberg before he died.

Daunting Odds

Mr. Seidenberg, a 40-year-old Agriculture Department bureaucrat, is obsessed with reclaiming the island and uncovering alleged Soviet foul deeds there. He has enlisted such conservative stalwarts as Sen. Jesse Helms in his cause, but he faces daunting odds. The State Department maintains that the U.S. has never claimed ownership of Wrangell, even though its assertion is flatly contradicted in official U.S. publications.

Right now, Mr. Seidenberg worries that the U.S. may quietly deal the island away, perhaps during this week's U.S.-Soviet summit. "I have great respect for the president," he says. "It's some of his advisers at the State Department who are causing the difficulty. Whatever they can do to shove this under the table, they'll do."

The latest wrangle over Wrangell involves secret negotiations between Washington and Moscow, under way since 1981, over establishing a border between the two nations; right now, there is only a "convention line" drawn when the U.S. bought Alaska in 1867. The State Department insists that Wrangell isn't part of the talks. Conservatives contend that ownership of Wrangell—and four other nearby islands—could affect where and how the borderline is drawn. And, they say, that, in turn, may determine who owns what may be billions of barrels of oil beneath the sea.



"If we surrender these islands, we will be surrendering an area that amounts to almost half our entire outer continental shelf," warns Sen. Helms. The North Carolina Republican, who complains that the State Department won't even tell him who the U.S. negotiators are, has introduced a bill requiring the State Department to negotiate a treaty, which would make review and approval by the Senate necessary. Otherwise, he fears, the department will make a deal under executive authority.

Mr. Seidenberg is convinced not only that the Soviets are illegally occupying Wrangell Island but also that it is the site of a huge Soviet gulag that once held Raoul Wallenberg. The Swedish diplomat, who helped thousands of Danish Jews escape from the Nazis during World War II, disappeared in 1945 after being arrested by the Soviets in Hungary.

Mr. Seidenberg has spent countless hours researching Wrangell at the National Archives. At his own expense, he traveled to Israel to interview Efrim Moshinsky, a former Soviet citizen who claims that he communicated with Mr. Wallenberg while they were both imprisoned at Wrangell in 1958. Mr. Seidenberg also found an obscure reference on page 10,065 of the March 16, 1984, Federal Register that indicated to him that the State Department was about to make a border deal with Moscow.

"I just want to do something to help Wallenberg. He helped so many people, but nobody wants to help him," says Mr. Seidenberg, his voice cracking with emotion. "The State Department acts like they're totally disinterested. It's a non-important issue to them."

Once, he sent a letter to Moscow praising a Russian geography article and asking whether its publishers could send him any material on Wrangell Island. They did. "I've gotten more information out of the Soviets than I have from the State Department," Mr. Seidenberg complains.

State Department officials sent him "denials—always denials," Mr. Seidenberg says. "They even wrote me a letter once denying that the island existed."

But Mr. Seidenberg isn't easily deterred. In 1976, to help get the department's attention, he took title to the 93,000 acres on Wrangell Island where he thinks the prisons are. Mr. Lomen, then 89 years old and dying, had wanted to give Mr. Seidenberg the land to carry on the fight, but Mr. Lomen's accountant warned of the tax consequences of such a gift. So they entered into a swap: Mr. Seidenberg got part of Wrangell, and he gave Mr. Lomen one square foot of Alaskan land that he had received as a promotional gift in 1967 when he opened a bank account.

But owning a piece of the 3,400-square-mile island didn't increase Mr. Seiden-

berg's influence with the State Department. Once, in 1986, he and a colleague attended a public State Department social function in order to accost Secretary of State George Shultz. When Mr. Shultz came by to shake hands, Mr. Seidenberg held on and asked him about the negotiations. A startled Mr. Shultz, in what was apparently an imitation of the late comedian Jimmy Durante, responded, "Everybody wants to get into the act," and quickly moved on.

A State Department official familiar with the negotiations says that all the talk about a giveaway is inaccurate. "There's a great misperception that somehow these islands have been claimed by the U.S. We've looked very carefully at the history of this. . . . There was never any claim made to them by the U.S. government."

Mr. Seidenberg, too, has looked very carefully, but he has reached a different conclusion. It all started when an American, Capt. Calvin Hooper, planted an American flag on Wrangell on Aug. 12, 1881, claiming it for the U.S. His ship, the U.S. Reserve Vessel Thomas Corwin, was part of a mission authorized by Congress to find the Jennette, a ship that had been crushed by ice during a North Pole expedition financed by the New York Herald the year before.

During the search, Capt. Hooper and a party that included John Muir, the naturalist who later founded the Sierra Club, landed on Wrangell. The island was named for Baron Ferdinand Petrovich von Wrangell, even though the Russian arctic explorer never set foot there.

A 1973 printing of the Digest of International Law, an official State Department publication, states that "the United States has not relinquished its claim to Wrangell Island." Five years later, with detente in full flower, a successor publication, the Digest of United States Practice in International Law, did an about-face, stating: "We have found little evidence that the United States has ever actively asserted a claim to Wrangell Island."

Mr. Seidenberg first stumbled on Wrangell in 1963, when he was a high-school senior writing a research paper on Russian exploration of the American Northwest. Textbooks at the time said that Wrangell was unoccupied. In 1973, Mr. Seidenberg learned that Wrangell had surfaced in a Senate Judiciary Committee hearing about Soviet prison camps. That's when he first heard about Mr. Wallenberg's plight.

A year later, Mr. Seidenberg uncovered what he says was a quiet State Department effort to cede Wrangell to the Soviets. The two nations signed an environmental agreement under which some musk oxen from Alaska were to be shipped to a Soviet island. Moscow asked that the animals be shipped to Wrangell, and the State Department agreed, thereby conceding ownership, Mr. Seidenberg says. When the agreement was signed at Bethel Airport, in Bethel, Alaska, Mr. Seidenberg arranged to have the airport manager watch from a distance and give him a blow-by-blow report over the telephone.

Now, Mr. Seidenberg fears that Wrangell will be lost forever at the summit. Ironically, when Mr. Lomen wrote his memoirs, "Fifty Years in Alaska," he thought his efforts would preserve the U.S. claim on Wrangell for some future U.S.-Soviet negotiating session. He wrote: "We felt that at least we had provided our government with a strong case. If the day ever comes when representatives of the American and Soviet governments sit down at the council table for the settlement of claims, the matter of American sovereignty over Wrangell Island should prove of importance."

Vol. 131 WASHINGTON, WEDNESDAY, DECEMBER 18, 1985 No. 176

Congressional Record

United States
of America

PROCEEDINGS AND DEBATES OF THE 99th CONGRESS, FIRST SESSION

INTRODUCTION OF
SENATE RESOLUTION 279
AND FLOOR STATEMENT
BY
SENATOR JESSE HELMS

Exhibit 30

SENATE - RESOLUTION 279—RELATING TO THE TRANSFER OF U.S. TERRITORY IN THE ARCTIC OCEAN

Mr. HELMS (for himself, Mr. HECHT, Mr. EAST, and Mr. DENTON) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 279

Whereas Wrangell Island became a part of the United States by right of confirmed discovery during the voyage of Captain Thomas Long, a citizen of the United States, of the barque *Nile* in 1867 and by right of first possession formalized during the voyage of Captain Calvin L. Hooper of the U.S. Revenue Marine steamer *Corwin* in 1881;

Whereas the Senate had printed a "Report of the U.S. Revenue Steamer *Thomas Corwin*, in the Arctic Ocean," as Ex. Doc. No. 204 in the 1st Session of the 48th Congress;

Whereas the House of Representatives had printed reports on the cruise of the United States Revenue Marine steamer *Corwin* in Alaska and the Northwest Arctic Ocean in the 2d Session of the 47th Congress, in the 1st Session of the 49th Congress, and in the 1st Session of the 50th Congress;

Whereas the Senate and House of Representatives of the United States of America approved on March 18, 1878 an Act in aid of a Polar expedition designed by James Gordon Bennett, a citizen of the United States, which authorized the Secretary of the Treasury to issue an American register to the vessel *Jeannette*, purchased in Great Britain;

Whereas the Senate and House of Representatives of the United States of America approved on February 27, 1879 an Act authorizing the Secretary of the Navy to accept and take charge of the ship *Jeannette* for the use of a North Polar Expedition;

Whereas Jeannette Island was discovered on May 16, 1881 and formally taken possession of on June 3, 1881 during the voyage of U.S. Navy Commander George Washington De Long on the *Jeannette*;

Whereas Henrietta Island was discovered on May 24, 1881 and formally taken possession of on June 3, 1881 during the voyage of U.S. Navy Commander George Washington Long on the *Jeannette*;

Whereas Bennett Island was discovered on July 11, 1881 and formally taken possession of on July 29, 1881 during the voyage of U.S. Navy Commander George Washington De Long on the *Jeannette*;

Whereas Wrangell, Herald, Jeannette, Henrietta, and Bennett islands were surveyed by the United States Navy for the United States Coast and Geodetic Survey in 1881;

Whereas the United States Coast and Geodetic Survey placed Wrangell, Herald, Jeannette, Henrietta, and Bennett islands in the District of Alaska;

Whereas beginning in 1900 the United States Geological Survey included Wrangell, Herald, Jeannette, Henrietta, and Bennett islands as part of the District, later Territory, and State of Alaska; and

Whereas unlike the governments of Canada and Great Britain, the Government of the United States has never surrendered its sovereignty over these islands; Now, therefore, be it

Resolved, That (a) it is the sense of the Senate that under the United States in any territory, outercontinental shelf, exclusive economic zone, or fishery conservation zone, including the territory described in subsection (b), may only be transferred to any other country—

(1) by treaty, in accordance with Article II, section 2, clause 2 of the United States Constitution which states that "[the President] shall have Power, by and with the Advice and Consent of the Senate, to make Treaties, provided two-thirds of the Senators present concur;"; and

(2) by enactment of Congress in accordance with Article IV, section 3, clause 2 of the United States Constitution which states that "[t]he Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States.".

(b) The territory referred to in subsection (a) includes the islands of Wrangell, Herald, Bennett, Henrietta, and Jeannett which are located in the Arctic Ocean and the outer continental shelf of, and the exclusive economic zone surrounding, those islands.

Mr. HELMS. Mr. President, I am deeply concerned that the Department of State is endeavoring to turn over to the Soviet Union five U.S. islands in the Arctic Ocean. These islands are: Wrangell Islands, Herald Island, Jeannette Island, Henrietta Island, and Bennett Island.

There is far more at stake here than the ownership of five small islands covered with ice and snow. What is at stake is how, under the rules of international law, the United States will define its Outer Continental Shelf. If we surrender these islands we will be surrendering an area that amounts to almost half of our entire Outer Continental Shelf.

Moreover, these islands lie in the Arctic between the Soviet Union and the North Pole. If we surrender the islands to Soviet sovereignty we may well be surrendering control of the Arctic Ocean to Soviet nuclear submarines.

The State Department refers to this problem as a boundary dispute involving the 1867 Convention Line established with the purchase of Alaska. It is true that there are substantive issues involving the 1867 Convention Line in the Navarin Basin, south of the Bering Strait. These are questions which ought to be carefully studied, both by the administration and by the Senate.

But the islands are all north of the Bering Strait, in the Arctic Ocean, and deserve to be a focus of separate attention. A glance at the map will show that this is hardly a "boundary dispute," a term which might imply drawing a line a hundred miles one way or another. This is a major issue, substantively different from the Navarin Basin problem, which could determine control of the Arctic Ocean for generations to come.

These islands are U.S. territory and property. They were discovered by U.S. citizens and taken possession of on behalf of the United States. The United States has asserted sovereignty over them. The U.S. Congress has acted upon them as our territory and property. Therefore, it is clear that, under the Constitution, they cannot be alienated by the State Department, without the express consent of both Houses of the U.S. Congress.

The resolution which I am submitting today expresses the sense of Congress that the provisions of the Constitution with regard to the disposition of U.S. territory and property be complied with fully. I hope that the Committee on Foreign Relations will schedule hearings on this resolution at an early date next year, so that all aspects of the issue can be considered. Incredibly, there have never been hearings on this issue; yet the State Department has been blithely proceeding as though this were just a minor issue.

The resolution that I am offering today is simple and to the point. It states that it is the sense of the Senate that under the U.S. Constitution any right, title, or interest of the United States in any territory, Outer Continental Shelf, exclusive economic zone or fishery conservation zone may only be transferred to another country by treaty, within the meaning of article II, section 2, clause 2 of the U.S. Constitution, and by enactment of Congress in accordance with article IV, section 3, clause 2 of the U.S. Constitution.

Mr. President, the President has the power to make treaties, by and with the advice and consent of the Senate, provided two-thirds of the Senators concur. There is no dispute over the President's power to make treaties. All we are saying in this resolution is that this matter is a matter which should be handled by treaty. It is not a matter to be considered as a technical issue settled by an Executive order.

Mr. President, the treatymaking power does not stand alone. Where U.S. territory and property is concerned, there are further requirements. Our Constitution in article IV, section 3, clause 2 states clearly that, "(t)he Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States." Nowhere, does our Constitution state that the Department of State has the power to hand over U.S. territory to a foreign power by means of an Executive Agreement or other similar instrument.

The historical facts about United States sovereignty over thise islands are clear. Unfortunately, the Department of State has been spreading all manner of disinformation concerning these islands not only to Members of Congress but also to the public at large.

In a letter to me earlier this year, the State Department referred to this matter as "a maritime boundary" issue. It stated that "all of these islands are claimed by the U.S.S.R." The State Department went on to say that "It has been alleged that the United States has claimed sovereignty over the five islands"—it is noteworthy that the State Department states the Soviet claim as an accepted fact, whereas it asserts that "after extensive research, the Department of State has not found any evidence that the Government of the United States has ever formally asserted a claim to any of these islands."

That statement is totally false. In fact, one of my illustrious predecessors representing North Carolina in the Senate, Senator Robert R. Reynolds, dealt with this matter extensively in 1940. The State Department simply has not bothered to look into the historical record. I have spent some months researching that record, including diaries of the period newspaper accounts of the discovery period—including previously overlooked accounts in Honolulu newspapers of the last century—the U.S. Geological Survey, the CONGRESSIONAL RECORD, and other official documents of record.

So let us be clear about the historical record.

Wrangell Island was discovered during the voyage of Captain Thomas Long, a citizen of the United States, aboard the barque "Nile" in 1867. A new account of this confirmed discovery appeared in the "Pacific Commercial Advertiser" published in Honolulu on November 9, 1867.

First possession of Wrangell Island was formalized during the voyage of Capt. Calvin L. Hooper of the U.S. revenue marine steamer *Corwin* in 1881. Information about this voyage was printed in Senate Executive Document Number 204 in the first session of the 48th Congress. The title of this report is, "Report of the U.S. Revenue Marine Steamer Thomas Corwin, in the Arctic Ocean." The House of Representatives also printed reports about this voyage during the second session of the 47th Congress; during the first

session of the 49th Congress; and during the first session of the 50th Congress.

Mr. President, on March 25, 1922, e distinguished Senator Joseph T. obinson placed a letter in the RECORD written to him by the Captain Commandant of the U.S. Coast Guard, W.E. Reynolds. In his letter, Commandant Reynolds notes that he was a junior officer aboard the CORWIN and was the officer assigned to carry our flag during the landing on Wrangell Island on August 12, 1881. In the letter he states, and I quote, "The captain and I landed together, being the first to get ashore. I had the flag, and with the captain's permission waved it and took possession of the new land in the name of liberty and of the Government of the United States of America."

Mr. President, the words of Captain Reynolds of the U.S. Coast Guard are certainly crystal clear with respect to taking formal possession of Wrangell Island.

Senators should also take note of the following entry in the log book of Captain Hooper, and I quote:

Friday, August 12, 1881. Lat. 71-04 Long. 177-40 off Wrangle Land. Got under way at 4:00 a.m. After a good deal of bumping and squeezing we reached the land and anchored in a small clear space off the mouth of a small river. Went on shore and took possession in the name of the U.S.

This quotation is contained in a udy entitled, "The Discovery of /rangel Island" by Samuel L. Hooper. it was published by the California Academy of Sciences as Occasional Paper No. XXIV, in San Francisco in 1956.

Prof. John Muir, a member of this expedition, wrote in his book that, and I quote, "A notable addition was made to the national domain when Captain Calvin L. Hooper landed on Wrangell Land and took formal possession in the name of the United States." John Muir, one of our Nation's most famous naturalists, was the founder of the Sierra Club.

The famed arctic explorer Vilhjalmar Steffansson in his book, "The Adventure of Wrangel Island" describing an expedition undertaken in 1921, wrote that, and I quote, "* * * following 1881 * * * the island was United States territory."

The Soviets have, in the past, claimed that a Russian Lieutenant Wrangel discovered the island. This assertion is groundless according to the Lieutenant's own memoirs. Wrangel himself wrote in his work, "The Narrative of a Voyage to the Polar Seas in the Years 1821, 1822, and 1823" that, and I quote, "* * * with a painful feeling of the impossibility of overcoming the obstacles with which nature had opposed us, our last hope vanished of discovering the land which we yet believed to exist * * * we had done what duty and honor demanded, further attempts would have been absolutely hopeless and I decided to return."

Mr. President, the matter of Wrangell Island was before the Senate and the House of Representatives in 1939 and 1940. With the gathering storm of World War II about to engulf our Nation, Members of the Senate and the House became concerned about our Pacific air routes. A bill was offered in the House by Congressman Maas authorizing and directing the Secretary of the Navy to construct a naval air station on Wrangell Island. The bill, H.R. 4286, was introduced on February 17, 1939, and referred to the Committee on Naval Affairs. The State Department influenced the committee to take no action on the bill.

Mr. President, a similar bill was introduced in the Senate by a distinguished predecessor of mine from the State of North Carolina, Senator Robert R. Reynolds. While no action was taken on the bill, in the following year, Senator Reynolds introduced a resolution and articles relative to ownership of Wrangell Island.

Mr. President, so that our colleagues may have Senator Reynold's resolution and statement for immediate reference, I ask unanimous consent that the statement of Senator Reynolds of Monday, April 8, 1940, be printed in the RECORD at the conclusion of my remarks as exhibit 1.

Mr. President, I ask unanimous consent that a scholarly article entitled, "The Right of American Sovereignty over Wrangell Island," by Mr. David Nolan and Mr. Mark Seidenberg which appeared in the Canadian historical journal published by the University of Saskatchewan, "Musk Ox," be printed in the RECORD at the conclusion of my remarks as exhibit 2.

On March 18, 1878, the Senate and the House of Representatives approved an act in aid of a polar expedition designed by James Gordon Bennett, a U.S. citizen which authorized the Secretary of the Treasury to issue an American register to the vessel *Jeannette* which had been purchased in Great Britain.

On February 27, 1878, the Senate and the House of Representatives approved an act authoritizing the Secretary of the Navy to accept and to take charge of the ship *Jeannette* for the purpose of a north polar expedition.

Jeannette Island was discovered on May 16, 1881, and formally taken possession of on June 3, 1881, during the congressionally authorized voyage of U.S. Navy Commander George Washington De Long on the *Jeannette*.

Henrietta Island was discovered on May 24, 1881, and formally taken possession of on June 3, 1881, during this same voyage.

Bennett Island was discovered on July 11, 1881, and formally taken possession of on July 29, 1881, during this same voyage.

Mr. President, there is ample published historical material to verify these facts about the three De Long Islands. For example, Houghton Mifflin Co. published a two volume work in 1883 entitled, "The Voyage of the *Jeannette*, The Ship and Ice Journals of George W. De Long." These were edited by his wife, Emma De Long. There is also an extensive collection of clippings and other information about this voyage at the Naval Academy in Annapolis.

Mr. President, I ask unanimous consent that excerpts from Captain De Long's journals relating to Henrietta, Jeannette, and Bennett islands be printed in the RECORD at the end of my remarks as exhibit 3.

Mr. President, I ask unanimous consent that the appropriate citations on these five islands from the bulletin of the U.S. Geologic Survey, No. 187, entitled "Geographic Dictionary of Alaska," written by Marcus Baker, the Secretary of the U.S. Geologic Survey, and published in 1902 be printed in the RECORD at the conclusion of my remarks as exhibit 4.

Senators should note that this "Geographic Dictionary of Alaska" was reprinted in a second edition in 1906 by the U.S. Geological Survey. The same citations to these five islands appear in this edition.

Mr. President, in 1930, the U.S. Geological Survey published its bulletin 817 which was entitled, "Boundaries, Areas, Geographic Centers and Altitudes of the United States and the Several States." This publication was written by Mr. Edward M. Douglas and was a revision and enlargement of the 1923 edition. In the chapter entitled, "Additions to the territory of the United States," Wrangell, Bennett, Henrietta, and Jeannette islands are described. Mysteriously and without explanation, or perhaps owing to the influence of the Department of State, these references were deleted from the 1966 and the 1976 edition of this work which were edited by Mr. Franklin van Zandt. According to information reaching my office, Mr. van Zandt had submitted his manuscript for the 1966 edition to the State Department and was told by the State Department to delete the reference to Wrangell, Bennett, Henrietta, and Jeannette islands.

Mr. President, I ask unanimous consent that the appropriate citations to these islands in the 1930 edition of this bulletin be printed in the RECORD at the end of my remarks as exhibit 5.

The giveaway of these five islands to the masters of the Kremlin is not some obscure action. In fact, back in North Carolina, folks are concerned about this situation as are other citizens around the country judging by the mail that I have received on the issue.

Mr. President, I ask unanimous consent that an excellent article entitled "U.S. Considering Relinquishing Control of Alaskan Islands" which appeared in the Laurinburg Exchange of Laurinburg, NC, on June 5, 1985 be printed in the RECORD at the conclusion of my remarks as exhibit 6.

Mr. President, facts are facts. These five islands are U.S. territory. If the Department of State is endeavoring to give away these islands to the Soviet Union, including the related Outer Continental Shelf areas and economic zone areas, then it is the duty of the Congress to adhere to the Constitution in terms of how territory may be transferred.

Mr. President, this resolution simply expresses the sense of the Senate that the Constitution must be observed in cases where our territory is to be transferred. The resolution outlines the historical facts which I described earlier in order that an accurate description of the sovereign rights of the United States of America over these five islands be presented.

There being no objection, the exhibits were ordered to be printed in the RECORD, as follows:

EXHIBIT 1

[Extension of Remarks of Hon. Robert R. Reynolds of North Carolina in the Senate of the United States, April 8, 1940]

RESOLUTION AND ARTICLES RELATIVE TO OWNERSHIP

Mr. REYNOLDS. Mr. President, under the permission granted me during the course of my remarks, I ask to have printed in the Appendix of the RECORD the resolution (S. Res. 253) to which I referred; a statement which I have prepared with respect to Wrangell Island; an article from the Washington Post of February 26, 1939; and an article entitled "War of Propaganda May Be Already Won."

There being no objection, the matters referred to were ordered to be printed in the RECORD, as follows:

SENATE RESOLUTION 253

Resolved, That the Secretary of State is requested to make a report to the Senate at the earliest practicable date with respect to whether or not the United States has a valid claim to sovereignty over Wrangell Island.

STATEMENT BY HON. ROBERT R. REYNOLDS OF NORTH CAROLINA

Wrangell Island is, roughly, the size and shape of Jamaica, 80 miles long and 35 miles wide. It is rugged rather than rocky with a maximum elevation of about 2,000 feet. So far as we know, there is no permanent ice or snow, with the snows of winter disappearing completely in summer. The minimum temperature in winter is only a little lower than that of Montreal, about the same as that of Winnipeg, and not nearly so low as that of some of the Russian cities. Because the island is small and surrounded by a small ocean, the warmest summers will not be far different from the month of May throughout some of the northwest sections of Canada and some of the northeast sections of the United States. Essentially it is a prairie land—no trees, and only small bushes. The beach is abundantly supplied with driftwood for fuel and for the building of log houses. It is probably the greatest polar bear country in the world. But bearskins have at present a small commercial value. There are no locations better for the trapping of white and blue foxes, and there are considerable quantities of the remains of the prehistoric elephants—mammoths of that fossil monster may be of some importance. It is an excellent station for the walrus and hair-seal industry. Nothing is known about the presence or absence of minerals. Great herds of reindeer are owned by natives and whites in Alaska and suitable breeding stock could be purchased at reasonable cost and landed in Wrangell Island.

Probably Wrangell Island could support some ten to twenty thousand herd equally in value to double that numbers of sheep.

Although the commercial value of Wrangell Island is small, it is not negligible. As a matter of fact I should not have been in the least interested in this island, however, but for my belief that within 25 years from now the Polar Ocean will be one of the chief theaters of air commerce. It is true that we of the United States have plenty of rich land to develop, both at home and in our Territories, particularly in Alaska, and in speaking of Alaska, may I say that I believe that we have come to need badly a supply station under our own flag somewhere on the northern frontier of Asia such as Wrangell Island, for remember that Asia, Russian territory, is located within a stone's throw of our American Territory of Alaska. Fact is, the Little Diamede Island, which we acquired from Russia together with Alaska and Pribilof in the Aleutian Islands for a consideration of $7,200,000, is only about one-half mile from the Big Diamede Island which belongs to Russia itself.

Every other island on this vast northern frontier of Asia is clearly the property of some other nation, either by discovery or by occupation, but I believe that this one spot, Wrangell Island, is clearly ours and the longer that we let it go and remain in the hands of Russia, as of now, the more difficult will be our chance of obtaining our legal rights.

From a purely commercial standpoint as of now, the island would not be worth anything to us, but as I have heretofore stated, within 25 years from now it would be a very valuable spot, so my chief design, that what I have said and done, shall rest entirely on the grounds of public interest and public spirit.

If one looks at the Polar Ocean on a globe, which is the only way of correctly realizing the situation, you will note that Wrangell Island lies straight across from New York and is almost directly in line between the metropolis of New York and Manila, the capital of the Philippine Commonwealth. Even though it is not strategically the most important island on the northern coast of Siberia, it is the only island to which the United States Government has a claim on that vast frontier.

A couple of years ago when I was in Alaska and at which time I visited Point Barrow, the northernmost point in the Western Hemisphere, as well as Deering, Wainwright, Nome, and Siberian waters, friends of mine there and others whom I have met from time to time and place to place who were familiar with Siberia, impressed upon me how the Japanese were penetrating northward into that great country. And, as a matter of fact, several years ago while in Russia I understood that the Soviet Government was encouraging the immigration of its nationals from the congested cities such as Odessa, Leningrad, and Moscow to Siberia and its northeastern portions on the mainland in the neighborhood of Wrangell Island.

At the present time I am informed that a number of Chuckhees, Russian nationals, are occupying the island as a result of our nationals having been forcibly taken from the island a number of years ago, concerning which incident I shall return to shortly. We have never asked submission of the question to some form of international court, in which case their occupation, coupled with our neglect, could have established ownership, so in this bill I am merely asking that our State Department inquire into the question of whether or not the United States has a valid claim to sovereignty over this island.

It is my information that in September of 1921 several Britishers, together with a small party of Eskimos, landed on Wrangell Island, where they raised the British flag, which they claimed was the third time that the British flag had been placed upon the soil of Wrangell Island. At that time there were some press stories in the United States to the effect that our Government had protested against Britain's occupation of this island, but as to whether or not these statements are authentic I have not been informed. At that time, however, it is my understanding that the Soviet Government of Russia did protest. This protest contained three reasons on account of which Wrangell Island was said to be Russian.

The first reason was discovery of the island by Baron Wrangell a little more than a hundred years ago. Close students of the baron's journey at the time that he was supposed to have discovered Wrangell Island will reveal that he was never anywhere near it. And in addition to that he states in his description definitely that he failed to discover land. Confirmation of this can be obtained easily.

The second Russian claims are on the basis of a landing between the years 1910 and 1915. As a matter of fact, any nation could have claimed Wrangell Island on the basis of a landing in 1910, 1915, or 1924, the latter of which was claimed by the British.

Thirdly, the Russians advance the claim that Wrangell Island is Russian by reason of its immediate proximity to Siberia. The distance from Siberia is about 100 miles, and as to this claim for ownership through proximity might possibly be agreed upon by some future international convention, but it certainly has not been agreed upon in the past.

In the year 1880 or 1881 the New York Herald fitted out a Polar expedition under the command of Lieutenant De Long, an officer on leave of absence from the United States Navy. This was the famous and tragic *Jeannette* expedition, so called after the ship which De Long took north through the Pacific and through the Bering Straits proceeding into the ice which he met northwest of Alaska, firm in the belief that just beyond were the shores of a great continent. Shortly thereafter, while the *Jeannette* expedition was found in the ices of the great Polar region, the American flag was planted on Wrangell Island either by a member of his expedition or by one of the crew of an expedition that went in search of the members of the *Jeannette* expedition.

I claim that Wrangell Island is originally the property of the United States through right of discovery, but it is a principle of international law that claims arising out of the discovery must be followed up within any reasonable time by exploration or occupancy or else it lapses into the territory of a no-man's land.

The British claim some sort of title as of 1854, by way of discovery or otherwise, and the Russians claim title for the same or similar reasons; but, after all, it is not disputed that the American flag was placed on Wrangell Island in 1881 or 1882, and it was actually occupied by the nationals of the United States when the Russian nationals, forcibly and against their will, removed the nationals of the United States from the island to Siberia, and I understand that since then the Russians have occupied the island.

I think it is pretty well conceded—at least, there is no information to the effect—that any human being ever landed on Wrangell

Island before the Americans did in 1881, and we know pretty definitely that no landing was made upon the island thereafter for many, many years.

Those who claim to have a knowledge of arial navigation say that conditions on the whole there are better than in any other area in the world, and, of course, for the time being, we are interested in the acquisition of this island for the reason that, as I have heretofore stated, within 25 years it will be a very valuable spot, as the condition of the island is such that, without great difficulty or excessive expense, airplane bases could be established. Some have ventured that a harbor at one end of the island is so enclosed that aquaplanes could make safe landings, and in the winter, with the airport covered with snow, great passenger and freight planes could land safely on skis. Not only are flying conditions over the polar area on the whole good, according to those who are familiar with this section, but it is much the smaller of the oceans and therefore the easiest ocean to cross. As the settlements creep northward along the great rivers of Siberia and Canada, the polar mediterranean will continually increase in importance through the airways above which connects the various lands.

In conclusion, may I say that Russia is now in the possession of Wrangell Island. I claim that that possession was obtained by force and not by discovery. Of course, on account of Wrangell Island's being in the immediately proximity of Russian territory, it would be easy for Russia to seize and difficult for us to defend, but surely it would be possible to establish the ownership of the island at an international conference. If Russia—or any other country for that matter—then acted contrary to the decision of the conference, the facts would at least be known and the blame would be laid where it was deserved; and again I wish to say that to use Wrangell Island as a base we would have there a short cut for airplanes flying over the top of the globe from New York to Manila instead of around the circumference by such routes as are taken by ships and trains.

Wrangel Island has an area of about 2,000 square miles. Its elevation rises to 2,500 feet, but there is much less land on the south and north. Shoals and sand spits project to sea on the north and southwest. The west and east coast are steep and lofty. The harbor is on the southeast. Tundra covers many parts.

In 1923 a party of Eskimos under an Alaskan trapper were established on Wrangel Island, but Russia, laying stress on the claim made around 1915, forcibly removed the colony in August of 1924 and shortly afterward brought 50 Chuckhees to form a settlement under Soviet officials, and I understand that the colony was visited by Russian airplanes in 1927. At that time these claims were not officially disputed by the United States, according to my information.

Last year I introduced a bill in Congress calling for the establishment of naval bases on Wrangell Island. This resolution was referred to the Naval Committee of the Senate, and no action to date has been taken thereupon. Fact of the matter is, I think that I was a little premature in the introduction of that resolution. I probably then should have introduced a bill such as I am introducing today, requesting the Secretary of State to make a report to the Senate at the earliest practical date with respect to whether or not the United States has a valid claim to sovereignty over Wrangel Island; and then, after the establishment of this claim, if an international congress awards the island to the United States, then would be the proper time for a bill calling for the establishment of naval bases there. At any rate, last year, when I introduced the aforementioned bill, which was referred to the Naval Affairs Committee of the Senate, there appeared in the Washington Post under date of February 26, 1939, an article entitled "United States Owns Wrangell Island, Not Soviet, Says Reynolds," and the subhead of that story reads, "Retired rear admiral, who planted American flag, revives controversy of Arctic possession." I wish to have this article at this juncture printed as a part of my remarks.

I ask that the resolution be referred to the Foreign Relations Committee, and I hope that we may shortly ascertain the rightful owner of this island, which in the future, I am confident, will prove to be a most valuable possession.

[From the Washington Post of February 26, 1939]

UNITED STATES OWNS WRANGELL ISLAND, NOT SOVIET, SAYS REYNOLDS—RETIRED ADMIRAL, WHO PLANTED AMERICAN FLAG THERE, REVIVES CONTROVERSY OVER ARCTIC POSSESSION

Because "first come first served" still is the law of the masterless lands, Rear Admiral William Edward Reynolds, retired, believes the Russians ought to get off Wrangell Island.

It is a matter of personal pride to him, for he "came first," in this case, he said, and planted the American flag on that ice-bound spot in the Arctic Sea one August morning in 1881.

There is a first-class international squabble ready to flare up over this disputed land, and it was another Reynolds who started it.

Last Friday Senator ROBERT R. REYNOLDS, of North Carolina, introduced a bill in the Senate to establish a naval air base on Wrangell Island, but there is small chance of doing that while the Russians are there.

It seems that in 1924, taking advantage of a claim they had made in 1916 that had never been officially disputed, the Russians abducted one Charles Wells, an American sailor from Seattle, and 12 Eskimos peacefully engaged in fishing and hunting and otherwise making good America's title to the spot, and replaced them with a colony of enthusiastic Communists.

RESTRAINS HIS PRIDE

This is a pretty intolerable situation for 78-year-old William Reynolds, who retired as rear admiral in the Coast Guard just when this was going on. But, mild-mannered and dignified, he restrained his outraged pride yesterday and spoke of the arrogant Bolsheviks with creditable courtesy.

"I don't know what right they had to take our island," he remarked, "but then I don't know much about international law. I took possession of Wrangell Island for the United States, and we were the first white men that ever landed there. Of course, it's named after a Russian, Baron Wrangell, but he never reached the island; he just saw it."

As a matter of fact, it was something of an accident that led to that historic landing party, the gray-haired seaman admitted. The steamship Corwin, on which he was a junior officer at the time, was not sailing about the Artic looking for new lands for Uncle Sam. She was searching for survivors of the exploring ship Jeannette crushed by ice just before.

They did't find any survivors, but they found a lot of polar bears and walrus, and a good plateau now useful as an airplane landing field, and they presented this chilly spot to the State Department to file away for the future.

FIFTEEN YEARS TOO LATE

Now Senator REYNOLDS has found a use for it, but he is 15 years too late. When, in 1924, Commander M. Davidoff came back in triumph to Vladivostock with Wells and his Eskimos he proudly boasted that once more the proletarian revolution had scored over the "imperialists," who were attempting to "seize the island" because it "would have made an ideal aerial base."

Poor Wells died before he ever got away from Siberia and as Rear Admiral Reynolds is the last survivor of the officers on that historic cruise of the *Corwin*, he is now the only principal of the drama of Wrangell still able to tell the tale.

But Wells' sponsor, Carl J. Lomen, is still very much alive, and so in his claim against the Russian Government for the 167 foxskins and 40 polor bear skins they relieved him of in 1924, not to mention damaged against his firm, the Loman Reindeer & Trading Corporation, which bought from an English firm the trading interests in the island just in time to have them seized behind their backs by the conquering Russian revolutionaries.

But after all, the whole thing rests with the State Department, and the State Department isn't interested now. Maybe if we build that air base Senator Reynolds wants there will be a showdown, and the Russians will be forced to admit the validity of Rear Admiral Reynolds' deed, and pay Lomen his damages. Such at least is the hope of Reynolds, Reynolds, and Lomen.

WAR OF PROPAGANDA MAY BE ALREADY WON—HUNGER IN JOBLESS HOME MORE PERILOUS THAN ANY FOREIGN SPY, IS VIEW

The little man, sitting in his little home, and wondering where he can get another pail of coal, will ultimately decide whether we get into war or stay out, asserts Samuel Grafton, writing in the New York Post. He adds:

"We are being told to watch out for propaganda. Good enough. But in the larger sense, this is a false steer. The propaganda fight has already been fought and won by the Allies. The United States now hates Hitler more than it hated the Kaiser in 1916. The toothiest of British lecturers can add only a drop to the brimming bucket of our hate. • • •

"History is made when the father of the family says he isn't hungry and slides his food down-table to his children, and the kids take it, trying not to think that's all there is, there isn't any more.

"History is made when the foreman at the plant tells John Smith, American worker, that he can't give him a job until the factory gets another war order, but that the factory isn't getting war orders because the Neutrality Act forbids lending money to the Allies. The muse of history really begins to smirk when John Smith walks down the factory street, feeling the stones through his shoes and wondering why the devil we shouldn't lend money to the Allies when it means a job a man can work at and feed his kids with.

"A decent peacetime job would keep John Smith from making this decision. • • •

"Tracing out the figures nationally, I find that the total of W. P. A. workers has been cut almost in half, from 3,043,367 in February to 1,661,970 in September. The rise in 'war boom' employment doesn't even remotely correspond to this wholesale slaughter of W. P. A. pay envelopes. The cut occurs at a time when a job is the best and most vital antiwar propaganda of all, because it talks to a man 7 days a week and 24 hours a day.

"I have a feeling that we are flunking our national test. We are depending on a Neutrality Act, a dike of words against a sea of need and blood. We are asking men to consult the national interest first, at a time when the interests of their children clamor in their ears. We are asking the little man to sacrifice. That is the measure of the smallness of our approach.

"The stage for war, the stage for our participation, is being set. It is a bare stage and on it are a few kitchen chairs, an empty table, a congealing stove; in one of the chairs sits a man who fears the morning and who will accept any hope that comes. So far, we have been afraid to look at him."

EXHIBIT 2

THE RIGHT OF AMERICAN SOVEREIGNTY OVER WRANGELL ISLAND

(David B. Nolan* and Mark J. Seidenberg†)

ABSTRACT

The dispute over rightful sovereignty to Wrangell Island today continues as an international issue of the Arctic. The Soviet Union, United States, the United Kingdom, and Canada at one time or other have asserted interests over this frozen piece of tundra and mountain. The proximity of the island to both the U.S. and Russia has great strategic value in our push-button nuclear age. The issue itself has implications for the resurgence of American military might, for superpower detente, and for international law.

The history of Wrangell Island is filled with courage and tragedy. It is a tale of kidnapping and death.

The valiant Captain Calvin L. Hooper, the *de facto* governor of the Alaska territory, was the first to land on Wrangell Island. He claimed the island for the United States which perfected this claim through effective occupation in accordance with international law.

The Soviet government seized control of Wrangell Island in 1924 and took American citizens into custody. This act is held to have been in violation of international law and American statutes that sought to protect U.S. territorial rights.

Hence the Soviet Union is believed to have occupied Wrangell Island illegally until the present time. International law does not allow any nation to gain sovereignty in such a fashion. The U.S. sovereignty over Wrangell has never been legally ceded to the Soviet Union, either on account of treaty or due to U.S. inaction.

• • • • •

Extensive exploration of the Arctic did not occur until the nineteenth century. It is not surprising that Wrangell Island,[1] one of the largest yet most inaccessible islands in the Arctic did not become known to the world until this time.

Wrangell Island[2] is located eighty-five miles off the northeast coast of Siberia and two hundred seventy miles northwest of Cape Lisbourne, Alaska. It straddles the 180° meridian and the 71° parallel and encompasses an area to two thousand square miles. As with other islands in the Arctic Ocean, accessibility is limited by thick fog and sea ice. Impenetrable ice floes block access even to its southern shore for at least ten months of each year.

Four nations have asserted interests over this island—the United States, the Soviet Union, the United Kingdom, and Canada. The superiority of the claim by the United States can best be understood when placed in the perspective of arctic history and international law.

Early recorded explorations into the Arctic did not intend to lay formal claim to, and take effective occupation of, arctic territory. Without these elements sovereignty will not arise over discovered land. The Greek navigator Pytheas of Massila made the first recorded voyage into the Arctic Ocean in the fourth century, B.C.E., but was turned back by fog and ice.[3] The next recorded voyage into the Arctic of any significance was by a Norse chief named Ottar who sailed into the White Sea, after passing the Kola Peninsula.[4]

By the sixteenth century, England and other maritime nations sought better trade routes to the Orient than the long and arduous routes around the Cape of Good Hope and Cape Horn. In the year 1553 English merchants organized voyages to China by the Northeast Passage across to top of Europe and Asia.[5] In 1594 the Dutch navigator Willem Barents sailed into the Kara Sea.[6]

A Cossack trader named Simon Deshnev sailed eastward from the Kolyma River in the summer of 1648. The natives of eastern Siberia told him of a "large country" lying to the north of Chukchi and Alaska. He was the first white man to hear of this land called Beringia.[7]

In 1763, another Cossack named Andreyev heard of this land and traveled to the Medvezhi Ostrova to find it. He claimed to have seen a large land to the East from that island location. However, six years later three Russian surveyors named Leontev, Lesev, and Pushkarov confirmed that there was no land that could be seen from such location.[8] Mirages of islands are not uncommon in the Arctic. This factor, added to the difficulty of obtaining star readings for location determinations in arctic fog, have often made land sightings unreliable.

Baron Ferdinand Petrovich von Wrangell, a lieutenant in the Imperial Russian Navy, also heard the tale of the land's existence from the Chukchi chiefs of Siberia. Between 1820 and 1824 he commanded several expeditions in search of the island but he never saw it, let alone land on or occupy it.[9] In April of 1824, at the end of his last arctic expedition, Wrangell wrote:

"[W]ith a painful feeling of the impossibility of overcoming the obstacles which nature opposed to us, our last hope vanished of discovering the land which we believed to exist. We saw ourselves compelled to renounce the object for which we had been striving through three years of hardships and danger." [10]

Despite this failure, Wrangell gained worldwide fame as an arctic explorer. He later became Governor of Russian America. Yet he was never to land upon the island that would bear his name in his honour.

During the mid-nineteenth century, England, still looking for a short-cut to the Orient, attempted to find a Northwest Passage. In 1845 Sir John Franklin left England with a company of 129 to travel over the top of America to Petropavlovsk, Kamachatka. By September, 1846, the expedition's ships had become locked in an ice pack twelve miles from King William Island.

On 11 June 1847 Sir John Franklin died. On 22 April 1848 the ships *Erebus* and *Terror* were deserted and what was left of their crew started on a hopeless march to safety. No one survived.[11]

By 1848 the Royal Geographical Society became concerned over the ships' disappearance and the British Admiralty agreed to its request to organize a search. The United States and Canada also organized searches for the missing ships.

On 6 August 1849, Captain Henry Kellett, R.N., of H.M.S. *Herald*, one of the Franklin search vessels, arrived at a small island west of Cape Lisburne. Upon landing, Kellett took possession and named the island Herald after his ship. He hoisted the Union Jack and claimed the island on behalf of Queen Victoria.

Kellett sighted a large land mass beyond Herald Island to the west which he called Plover in honor of another Franklin relief expedition ship. Whereas no land mass existed at the position noted by Kellett on navigation charts, it may have been a mirage rather than Wrangell Island. In any event, no further landing or exploration was made.

Six years later, on 13 August 1855 Captain John Rogers, in his flagship the U.S.S. *Vincennes*, reached the position ascribed to Plover Island, also known as Kellett Land on the Admiralty charts.[12] When there was no land to be seen from the clear horizons, the charts by the Depot of Charts and Instruments of the U.S. Navy were changed accordingly. It should be noted that the Russian author Shvede gives credit to the American, Rogers, for discovering Wrangell Island [13] on that Congressionally authorized voyage.[14]

The United States' legal rights in the northwest of the North American Continent have a foundation in the Treaty of Adams-de Onus of 22 February 1821 which ceded Spanish rights in Oregon Country to the U.S.[15] The United States' claims to northern parts of the Oregon Country (now southern Alaska) are based, in part, upon voyages of discovery and annexation by Don Juan Francisco de la Bodega y Quadra and Don Ignacio Arteiga for the Spanish Government between 1775-1779.[16]

H.I.M. Tsar Aleksandr Pavlovich of Russia issued a ukase in 1821 banning "transaction of Commerce, and the pursuit of whaling and fishing or any other industry . . . all along the North West Coast of America from the Bering Sea to the 51st parallel." [17] This coast was part of the area ceded to the United States by Spain in 1821. The Tsar's ukase prompted U.S. President Monroe, in his message to Congress on 2 December 1823, to proclaim the Monroe Doctrine. A compromise was reached on 11 January 1825. The United States government ceded the coast of America north of the 54°40' parallel to the Imperial Russian Government as part of a Treaty of Navigation and Fisheries of the Northwest Coast.[18]

As will be seen, this accord was superseded by the Seward-de Stoechl Treaty in 1867 which ceded Russian America to the United States. The 1825 treaty has no bearing on sovereignty over Wrangell Island which was undiscovered at the time.

By the middle of the nineteenth century, Russian interests in expansion beyond the Asian mainland waned just as American interest in expanding to the West increased. The loss of the Crimean War illustrated the vulnerability of the Russian Empire at its extremities.

The Russian government, fearing that its American colony was no longer defensible and recognizing its economic liability, sold the North American lands to the United States for 7.2 million dollars on 20 June 1867.[19] This convention between the governments of Russia and the United States ended all Russian claims to sovereignty east of the demarcation line.

On 18 October 1867 the Tsarist double eagle flag was lowered over Novoarkhangelsk, the capital of Russian-America, and the Stars and Stripes was hoisted over the

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[1] Footnotes at end of article.

renamed city of Sitka, Alaska was now a possession of the United States."

The Office of the Solicitor, U.S. Department of State, determined after a review of documents leading up to and including Seward-de Stoeckl Treaty "that the Emperor of all the Russias ceded to the United States certain territories, and that the United States on its part entered into no commitment which could be interpreted as an understanding not to press claims to any land west of the particular line above described." [28] Therefore, there can be no inference that the United States ceded sovereignty to any as yet undiscovered island to the west of the Diomede Islands.

During this period the American whaling industry expanded into arctic waters. On 14 August 1867 Captain Thomas Long of New London, Connecticut, sailed his whaling bark *Nile* along a trek some thirty miles north of the route navigated by U.S.S. *Vincennes* some twelve years earlier. A seaman named Thomas sighted land (Cape Thomas) to the northeast from the ship's masthead. Captain Long named this territory "Wrangell's Land" as an appropriate tribute to the memory of the Russian explorer who spent three consecutive years above the 69th parallel.[29] Long also was the first to sight the identifying volcano of more than 2000 feet in height on Wrangell Island. He sailed past the southern shore and returned to the port of Honolulu. Between 1868 and 1869 the news of the American discovery of "Wrangell's Land" spread worldwide. Geographical Societies in the United States and Europe honored Captain Long for his discovery.[30]

Other American whalers—the captains Raynor of the *Reindeer*, Phillips of the *Monticello*, and Bliver of the *Nautilus* also confirmed the sighting of the large land mass covered by Thomas Long. They spread the belief that Wrangell was not an island but a frozen continent similar to that at the South Pole, a speculation that prompted the New York Herald to outfit an expedition in 1879, led by Naval Lieutenant George Washington De Long, to Wrangell Island and then the North Pole.[31] De Long and his ship, the *Jeannette*, formerly called the *Pandora*, never made it. The *Jeannette* became locked in ice floes and drifted westward past Wrangell Island where it was crushed and sunk in the summer of 1881.

Fearing for the fate of De Long, the U.S. Congress in early 1881 authorized one hundred and seventy-five thousand dollars for a search. The *Jeannette* relief ships, the U.S. Revenue Marine Steamer, the *Thomas Corwin* and the U.S.S. *John Rogers* entered the Bering Sea in the summer of 1881. Commanding officer of the *Corwin* was Captain Calvin Leighton Hooper.

Hooper at the time commanded the Bering Sea Patrol of the U.S. Revenue Marine, which made him the *de facto* Governor of Alaska. During the spring of 1877, jurisdiction of the District of Alaska was transferred from the Department of War to the Treasury Department. Treasury in turn placed Alaska under the charge of the U.S. Revenue Marine from that year until 1884.[32] Hooper clearly had authority at that time to discover and claim sovereignty over land on behalf of the United States.[33] The *Corwin* also carried aboard a complement of scientists. These included the world renowned naturalist, John Muir, who was later to found the Sierra Club.

The *Corwin* landed on Herald Island in hopes of finding the *Jeannette* or its crew. Unsuccessful in the rescue attempt, Hooper valiantly forced his ship through heavy ice floes to Wrangell Island to the west.[34]

On 12 August 1881, Hooper, Muir, and their party of six made the first recorded landing by man upon Wrangell Island. Edward W. Nelson, a member of the landing party later noted.

"The result of our examination of the Island, so far as we saw, gave not the slightest evidence of its ever having been visited by man before. All subsequent examinations of Wrangell Island by those who have visited it later appear to establish the fact that the landing party from the *Corwin* contained the first men to set foot on this island." [35]

Landing at the mouth of the Clark River on the eastern side of the island, Hooper and his fellow officers raised the American flag and took possession of Wrangell Island in the name of the United States. While Hooper and Muir explored the island, other party members erected a rock cairn and deposited documents recording the significant event. William Reynolds, a member of the party, recalled:

"I had the flag and with the Captain's permission waved it and took possession of the new land in the name of liberty and of the Government of the United States of America. I planted the flag on a bluff a little to the northwest of our landing place and left it there together with a record of our visit." [36]

Hooper called the island "New Columbia." He explained,

"It was believed that as the island had become, by our act of landing upon it, a part of the United States, by selecting a name of national character, no disrespect would be shown to the memory or offense given to the friends of the gallant officer whose name it bore, and that the name given would be adopted by all nations." [37]

The name "New Columbia" never replaced Wrangell, however.

Captain Hooper told Captain L. C. Owens of the American whaler *Belvedere* of his plan to annex Wrangell Island to the United States prior to landing there. The *Belvedere* became the second ship to land at Wrangell on 19 August 1881. "As soon as we got ashore we saw the signal planned by Lieutenant Reynolds, a small American ensign fastened to a slender piece of driftwood, driven into the soil," confirmed a *Belvedere* crew member.[38]

On 26 August 1881 a party from the *Rogers*, the other relief ship, landed on Wrangell Island. They completed an official survey for the U.S. Government on 13 September of the same year. One crew expedition proceeded overland to the mountains, where a general view of land and water could be obtained. Another group found the cairn left by the *Corwin*, and deposited copies of the documents contained therein, taking the originals for the Navy's report. The crew of the U.S.S. *Rogers* also raised the American flag over Wrangell Island.[39] The crew determined that its new U.S. possession was not a continent but a large island.

Major E. W. Clark, the Chief of the United States Revenue Marine Service, informed the U.S. Coast and Geological Survey in 1881 of the annexation of Wrangell Island to the United States. The U.S.C. & G.S. of the U.S. Treasury Department determined that Wrangell Island should be included in the District of Alaska.[40]

Between the years 1881 and 1910 Wrangell Island was visited exclusively by Americans. These were mostly whalers and walrus and seal hunters. On 8 September 1889 the U.S.S. *Thetis* went to Wrangell Island while cruising the Arctic Ocean, "showing the American flag." [41] In the year 1910 Captain Louis Lane sailed the ship *Adler* of Nome, Alaska, to Wrangell Island with a motion picture company from Hollywood, which filmed a polar bear hunt.

For a period of twenty-nine years following Hooper's claim, U.S. and Russian publications recognized United States sovereignty over Wrangell. U.S. Geological Survey Bulletins No. 169 in 1900, No. 187 in 1902, and Nos. 274 and 299 in 1906 included Wrangell Island as part of the U.S. Russian Naval Maps and Encyclopedia at the turn of the century also show the same designation.

In 1910 the Imperial Russian government, interested in compiling hydrographic charts to facilitate shipping routes from Kolyma to Vladivostok, commissioned two steel icebreaking ships, the *Vaigatch* and *Taimyr*. On 16 September 1911 the *Vaigatch* anchored in a cove off Blossom Point at the southwest corner of Wrangell Island while taking shelter from a gale from the northeast.[42] Its captain sent a landing party ashore on 15 September via whaleboat and motor launch to establish the correct astronomical position by celestial observation. The landing party found a coal deposit and erected a ten meter structure to establish the astronomical position of the landing place before leaving.

The Russians then circumnavigated the island, but unfortunately at a distance too far to contribute to the definite outlining of the coast.[43] This was the only visit that the Russians ever made to the Wrangell Island before 1924, nor did they ever make any claim to the island during their stay.

In 1911 Dr. Rollin Harris, an American oceanographer, again raised interest in the possibility of an as-yet-undiscovered arctic continent. He hypothesized the existence of "Harris Land" to explain tidal movements in the Arctic Ocean.

In 1913 the National Geographic Society planned to finance an expedition to the Arctic to find this new land. Sir Robert Borden, Prime Minister of Canada, asked and received permission to finance the expedition for fear that Americans might make new discoveries north of Canada for the United States.[44].

Vilhjalmur Stefansson, a Canadian who had grown up on the plains of North Dakota, was chosen to lead the expedition. The Canadian government directed Stefansson that "any new or partly unknown lands which the expedition would touch would be observed, position fixed, and the British flag would be planted on these lands."[45]

Stefansson's flagship was the whaler *Karluk* under the masteryof Captain Robert A. Bartlett. Bartlett was a U.S. citizen who had commanded the ship *Roosevelt* for the Peary and Henson expedition to the North Pole during the years 1905 to 1909. The *Karluk* suffered the tragic fate of other vessels and became caught in arctic ice, drifted west along the north coast of Alaska, and eventually sank. For two months the survivors walked south across the polar ice cap, arriving at Wrangell Island on 12 March 1914. Two members of the ship's crew, John Munro and Robert Templeman, raised the Canadian flag over Wrangell Island in celebration of Dominion Day, 1 July 1914.

Of course, Wrangell Island had already been formally claimed by the United States, and the previous establishment of U.S. sovereignty served to cut off subsequent rival claims. Furthermore, Great Britain had transferred jurisdiction of her rights to islands in the Arctic Ocean to the Canadian Government in 1880.[46] Therefore, whatever pretention to sovereignty Great Britain might have had to Herald and Wrangell Islands by virtue of the voyage of the H.M.S. *Herald* in 1849, or the landing on Wrangell in 1914, now belonged to Canada.

The shipwrecked members of the *Karluk* also recognized the prior discovery of Wrangell Island. Bartlett later wrote that "we

passed Hooper cairn, which was built by a party from the U.S. Revenue cutter Corwin in August, 1881. The cairn, as I could see, was still intact."[41]

Captain Bartlett and an Eskimo crewmember, Kakatovik, walked across the ice to summon help. Upon Bartlett's reaching Alaska, Captain William T. Reynolds, U.S.R.C.S., immediately ordered a rescue attempt. On 7 September 1914 the American ship *King and Wing* picked up the happy survivors on Wrangell Island (Figure 1). Not knowing that the *Karluk* survivors had already been rescued, the *Thomas Corwin* landed at Wrangell a few days later. The same ship that thirty-three years earlier had carried Hooper to claim the island, re-established the flying of the U.S. flag over Wrangell Island.

After the *Karluk* survivors were transferred to the U.S Revenue Cutter *Bear*, they were transported to the ship's home port of Unalaska where the port commander, William Reynolds (who in 1881 had landed on Wrangell with Hooper) told Bartlett that the island was indeed part of Alaska.

On 13 November 1916 a challenge to U.S. sovereignty over Wrangell Island came from a different source. The Imperial Russian Embassy in Washington presented a memorandum to the U.S. Department of State regarding Russia's claim to lands in the Arctic. It claimed that Wrangell Island, Alaska, was one of the islands which "form an extension Northward of the Continental tableland of Siberia."[42] This argument, like that of the sphere of influence, continuity, or sector theory to the Pole has no validity in international law.[43] Before this claim could again be pressed the Imperial Russian Government was overthrown by the Bolsheviks. World events were to continue to play a major part in the issue of sovereignty over Wrangell.

On 7 July 1918 Allied Commanders, and an army that included Japanese troops, assumed protection of the city of Vladivostok. The threat of the Japanese taking an imperialistic hold in eastern Siberia caused concern, just as the expansion of power by the Bolsheviks had done formerly. In 1920 Stefansson became worried that the Japanese government, in their desire to control eastern Siberia, might try to take Wrangell Island. He observed, "I felt certain that within a year of two they would realize the coming importance of Wrangell Island and would occupy it."

Great Britain, Japan, and the United States were allied against the Bolsheviks. However, if the Japanese (future Pacific rivals to the United States) were to occupy Wrangell Island, it would be difficult to oust them in favor of the Bolsheviks. Therefore, Stefansson met in Ann Arbor, Michigan, with Allen Crawford, a Canadian, and Sir Auckland Geddes, British Ambassador to the U.S., for the United Kingdom to plan an expedition to secure Wrangell Island and also to promote their own economic interests.

Crawford led a party that included four Americans on the American ship *Silver Wave*. When they landed on Wrangell Island on 15 September 1921 the crew raised the Stars and Stripes over the island under Captain Jack Hammer's direction. On 16 September 1921 Crawford raised the Union Jack over Wrangell "in the name of the King and the Empire" as a continuation of Stefansson's "right to the island already established by the Stefansson Canadian Arctic Expedition of 1913-18 and the shipwreck of the *Karluk*."[44] He did not tell anyone aboard the *Silver Wave* that he had raised the British flag over the island.

In 1922 it became *cause célèbre* in the British and American press that Stefansson and company had "claimed" Wrangell Island, Alaska, as part of the United Kingdom. Anglo-American relations became strained over an island in which Great Britain had shown no interest since the discovery of Herald Island in 1849.

The Crawford party landed with provisions for only six months, saying they planned to sustain themselves with hunting. Stefansson's relief mission in 1922 was blocked by ice floes. When Harold Noice arrived aboard the relief ship *Donaldson* on 20 August 1923 only an Eskimo seamstress named Ada Blackjack survived of the original group. A new party led by Charles Wells of Uniontown, Pennsylvania, continued settlement of the island.

When Stefansson realized in 1924 that the Canadian government would not back a sovereignty claim as to *dominium directum* rights he sold his title and his *dominium utile* interests in Wrangell Island to the Lomen Brothers company of Nome, Alaska (Figures 2(a) and 2(b)). On 13 May 1924 Secretary of State Charles Evans Hughes declared that the Lomen Brothers were the owners of the island (Figure 3). On 18 June of that year, the British Colonial Secretary stated in a confidential dispatch: "The United States Government is thought to have a strong, if not indisputable, claim to the Island."[45]

On 20 August 1924 the Soviet gunboat *Red October* landed on Wrangell Island, armed with a six-pound cannon and a company of Soviet infantry. The Soviets took Wells by force and the other thirteen Americans on the island and told them they were being taken to Alaska. Instead they were forcibly taken to Vladivostok.[46] The Soviet officials confiscated all the pelts which the trappers had accumulated during the twelve bitter months on the island.[47] Following intervention by the U.S. Consul at Harbin, Manchuria, the Soviets released the twelve Americans still living. The Bolsheviks claimed that Wells had died of pneumonia. His diary was never found.

A year later the Soviets proclaimed Wrangell Island as their territory. But in 1930 the U.S. Department of the Interior publication entitled *Boundaries, Areas, Geographic Centers and Altitudes of the United States and the Several States* expressly included Wrangell Island as an American possession. Since that time no abandonment by the U.S. of its rightful sovereignty has occurred, nor under international law could such abandonment occur following a deprivation of sovereignty by force.

Besides the abducting of Americans on Wrangell Island, the Russians violated federally promulgated Alaskan law that prohibits the exercise of foreign jurisdiction. The Alaskan Organic Act of 1884 adopted Oregon law, which in turn had adopted the Iowa Territory prohibitions against foreign governmental interference with American sovereignty.[48]

In 1973 the State Department reissued the *Hackworth Digest of International Law* which explained, "The United States has not relinquished its claim to Wrangell Island." In the centennial year of the American landing on Wrangell, the United States government's position has not changed. Captain Hooper formally claimed Wrangell Island on 12 August 1881 and the U.S. established effective occupation until the Soviet invasion.

FOOTNOTES

[1] The island has also been spelled Wrangel and Vrangel. The U.S. Board of Geographic names, by resolution named 29 July 1901 determined that Wrangell Island, Alaska, in the Arctic Ocean should be spelled with two l's. The island was named in tribute to Ferdinand Petrovich von Wrangell who spelled his own name with two l's when he wrote in the Roman alphabet.

[2] Dermot Cole, "Now We're Losing Wrangel Island," *Fairbanks Daily News Miner*, 1 October 1977.

[3] David Mountfield, *A History of Polar Exploration* (New York: The Dial Press, 1974), pp. 18-16, 19-20.

[4] Ibid., p. 23.

[5] Ibid., pp. 27, 33.

[6] Ibid., pp. 33-39.

[7] Leonid Vasilievich Gromov, *Ostrolok Druzhbi Beringi* (Moskva: Gos izd-vo geogr. lit-ry, 1960).

[8] Ibid.

[9] Lieutenant Baron Ferdinand Petrovich von Wrangell, I.R.N., *Narrative of an Expedition to the Polar Sea in the Years 1820-1823*, ed. Major Sir Edward Sabine, R.A. (London: James Madden and Co., 1840) pp. 342-359.

[10] "Wrangell Island," *The Geographical Journal*, Vol. 62, No. 6, (December, 1923), p. 441.

[11] Leopold McClintock, *The Voyage of the Fox: Discovery of the Fate of Franklin* (London: J. Murry, 1908).

[12] Bertold C. Seaman, *Narrative of the Voyage of the Herald during 1845-51*, (London: Reeve & Co., 1853), pp. 115-116.

[13] Wilhelm Heine, *Di Expedition in die See von China, Japan and Ochotsk under Commodore Colin Reinpold und Commodore John Rodgers, in auftrage der Regierung der Jahren 1853 bis 1856* (Leipzig, H. Constenoble, 1858-59).

[14] Evgenni Evgenievich Shevde "Ostrov Vrangelya" *Morskoisbornik* God 76, No. 9 (Sept. 1923) pp. i-xiv

[15] 31 August 1852 (10 Stat. L. 100).

[16] 8 Stat. L. 252.

[17] Francisco Antonio Mourelle, *Journal of a Voyage in 1775* (London, 1781).

[18] John J. Underwood, *Alaska: an Empire in the Making* (New York: Dodd, Mead, 1913) p. [illegible]. It should be noted that Prof. William R. Hunt of the University of Alaska, in his book, *Alaska: A Bicentennial History* (New York: W. W. Norton & Company, Inc. and Nashville: American Association for State and Local History, 1976), p. 30, erred in ascribing the ukase to "Alexander II" (Tsar Aleksandr Nikolaevich of Russia).

[19] 8 Stat. L. 302. For background information concerning counter claims of sovereignty to the Oregon County read Thomas Falconer, *Oregon Questions: or a Statement of the British Claims to the Government of the United States of America*. 2nd Ed. (London: Samuel Clark, 1845), and Travers Twiss, *The Oregon Question Examined* (London: Longman, Brown, Green and Longman, 1846).

[20] 15 Stat. L. 539.

[21] The name Alaska was gradually established for this region by local use while the Russians officially designated it Russian America. The name Alaska was proposed for official acceptance by W. H. Seward, Hon. Charles Sumner, and Maj. General H. W. Halleck after the U.S. Government took possession of the region.

[22] Bretton G. Sciaroni, *The U.S. Claim to Wrangell Island*, Contract Study (No. 1722-620067) prepared for the U.S. Department of State on February 4, 1976, p. 30. Also see, F. M. Anderson, "Memorandum" (November 25, 1924), M. S. Department of State, file 861.0144/75 and S. Wittemore Boggs "Delimination of Seaward Areas under National Jurisdiction," *American Journal of International Law*, 45, No. 2 (April, 1951), p. 240, fn 2.

[23] Captain Thomas Long, "Arctic Land Discoveries," *The Pacific Commercial Advertiser* (Honolulu), 9 November 1867.

[24] "A Polar Continent: Reported Discovery of a Polar Continent in the Arctic Ocean," *New York Times* (7 December 1867); William W. Wheridens, "The New Arctic Continent or Wrangell's Land" (Chicago: American Association for the Advancement of Science, August 1868); K. M. Baer, "Nesholko slov po povodu novothritoy Vrangelyevshoy semily", *Izvestii Russkovo Geograficheskovo Obshtsstva*, (1968), V4, N7, pp. 333-349.

[25] J. E. Nourse, *American Exploration in the Ice Zones*, (Boston: D. Lathrop and Company), pp. 365-66 and David Mountfield, *A History of Polar Exploration* (New York: Dial Press, 1974), pp. 123-126.

[26] Formal letters of 17 and 24 March 1877 between Secretary of War George W. McCrary and Secretary of Treasury, John Sherman. National Archives, files of the Adjutant General (Microcop) MOOO, reel No. 358).

[27] International law has also recognized the status of private individuals to claim sovereignty on behalf of their country. *A fortiori* Hooper in his official capacity had no less authority regarding

Wrangell Island than in his validly ordered claim of Wake Island on behalf of the United States in 1898, while in transit after the Spanish American War as a member of U.S. Pacific forces.

[1] Muir, *The Cruise of the Corwin*, pp. 148-152; Hooper, *Cruise of the Corwin*, 1881, pp. 53-54.

[2] Nelson, *Congressional Record, Senate*, 22 March 1922, p. 4361, col. 2.

[3] William Reynolds, *Congressional Record, Senate*, 25 March 1922, p. 4538, col. 2. Also included under these papers sent from the Secretary of Treasury Andrew W. Mellon to Secretary of State Charles Evans Hughes, 13 April 1922, M.S. Department of State, file 861.0144/7.

[4] Hooper, *Cruise of the Corwin*, 1881, p. 70.

[5] "Wrangel Land: A Description of the Island by a Visitor" *San Francisco Chronicle* (16 August 1881), p. 2.

[6] Nelson, *Congressional Record, Senate*, 22 March 1922, p. 4361, col., stated the "Rogers party took possession of the island by right of (Captain Long's) discovery, and that was within a space of a few weeks (of the Corwin party taking possession for the United States Government)."

[7] In 1900 the U.S. Geological Survey, at the direction of Henry Gannett, issued U.S. Geological Survey Bulletin No. 168 which included Wrangell Island of the Arctic as part of Alaska. Gannett is known as the father of American map making, and was the Chief Geographer of the U.S.G.S., having started in 1882.

[8] Jean Denuce "les expeditions polaires depuis 1900," Bulletin de la Societe Royale de Geographie D'Anvers (Anvers: J. Van Hille-De Bocher, 1911), p. 336. Also see: Charles Herbert Stockton, "The Arctic Cruise of the USS *Thetis* in the summer and autumn of 1889," *National Geographic Magazine* (1890), v. 2, No. 3, p. 194; and D. W. Knox, Captain, U.S.N. (Ret.), letter to Lt. Comdr. P. W. Mead, U.S.N. (Ret.) dated 31 October 1933.

[9] Blossom Point was named by Lt. R. M. Berry, U.S.N. in 1881 after H.M.S. *Blossom*.

[10] L. M. Starokadomskiy, *Charting the Russian Northern Sea Route: The Arctic Ocean Hydrophic Expedition 1908-1915*; ed. and trans. William Barr, (Montreal: Arctic Institute of North America and McGill-Queen's University Press, 1976) pp. 60-64; "Vasiliy Nikolaevich Alekseev, "Ostrov Vrangelya," *Uchin of the Far Eastern Branch of the Academy Sciences of the U.S.S.R.* (Vladivostok: 1932) No. 4, p. 83; L. V. Gromov, *Ostrov Vrangelya* (Magadan: 1961) p. 24; Vilhjalmur Stefansson, "The Russian Visit to Wrangel Island," appendix 9, *The Adventure of Wrangel Island*, op. cit., pp. 393-394.

[11] Vilhjalmur Stefansson, *The Adventure of Wrangel Island*, pp. 50-51.

[12] Order-in-Council, approved 23 February 1913.

[13] Gordon W. Smith, "The Transfer of Arctic Territories from Great Britain to Canada in 1880, and some related matters, as seen in official correspondence," *Arctic*, March, 1961, Vol. 14, No. 1, pp. 53-73.

[14] Bartlett, *The Last Voyage of the Karluk*, op. cit., p. 173.

[15] The note of 13 November 1916 stated in part:

"Le Gouvernment IMPERIAL profite de cette occasion pour faire ressortir qu'il considere aussi comme faisant partie integrante de l'Empire les iles Henriette, Jeannette, Bennett, Herald et Oujedinemia, qui forment avec iles Nouvelle Siberie, Wrangel et autres situees pres la cote asiatique de l'Empire, une extension vers le nord de la plate forme continentale de la Siberie.

Le Gouvernment IMPERIAL na pas jugé nécessaire de joindre a la presente notification les iles Novaia Zemlia, Kologuev, Kolgouev, Waigatch et autres de moindres dimensions situees pres la cote europeene de l'Empire, etant donné que leur appartenance aux territories de l'Empire se trouve depuis des siecles universellement reconnue.

[16] It should be noted that unsupported claims advanced by the Imperial Russian Government in the above note were rejected by the United States in 1902 as part of the "Whaling and Sealing Claims Against Russia." Herbert H. D. Peirce, *Foreign Relations of the United States, 1902*, Appendix 1, (Washington: GPO, 1903), pp. 18 and 167. Fedor Fedorovich Martens, the legal counsel for the Imperial Russian Ministry of Foreign Affairs, rejected the notion that Russian sovereignty extended northward into the Arctic. He contended that the marginal seas north of Russian mainland were *Mare Liberum* from the judicial point of view. F. F. Martens, "Du territoire de l'etat", *Traite de droit international*, trans. Alfred Leo, (Paris: 1883) v. I, pp. 95-496.

[17] Stefansson, *The Adventure of Wrangel Island*, op. cit. p. 95.

[18] Ibid, pp. 128-131.

[19] Colonial Secretary to Governor General: confidential dispatch No. 537. Cited in Bretton G. Sciarcon, *The U.S. Claim to Wrangel Island*, Contract Study No. 1722-030067 prepared for the Department of State on February 4, 1976, p. 15.

[20] Affidavit of 22 March 1977 by Hilda Keenuk-newrunk Weber, one of the American prisoners.

[21] *Japan Advertiser*, 27 January 1923.

[22] On 7 May 1884 the U.S. Congress passed "An Act providing a Civil Government for Alaska", c. 53, 23 *Stat. at Large 24*. That act adopted Oregon law providing it does not conflict with other provisions of Alaskan law. This Act extended to Alaska "An Act Adopting the Statutes and Laws of the Territory of Iowa and the Common Law." *Oregon Acts and Laws Passed by the House of Representatives at a Meeting Held in Oregon City, August, 1845* (New York: N.A. Phemister Company, 1921) p. 16. It should be remembered that the Act of 12 August 1845 became part of the laws of the Territory of Oregon through "An Act to Establish the Territorial Government of Oregon", of 14 August 1848, c. 177. *Stat. at Large 323* (known as the Oregon Organic Act. Laws of the Territory of Iowa, passed at the Extra Session of the Legislative Assembly, begun and held in the City of Burlington: J. M. M. Kenny, 1840, and Des Moines: Historical Department of Iowa, 1902) c. 85.

EXHIBIT 3

THE VOYAGE OF THE JEANNETTE—THE SHIP AND ICE JOURNALS OF GEORGE W. DE LONG, LIEUTENANT-COMMANDER U.S.N., AND COMMANDER OF THE POLAR EXPEDITION OF 1879-1881.

May 16th, Monday.—Land! There is something then besides ice in this world. About seven o'clock this evening Mr. Dunbar, who usually winds his way aloft several times a day, could hardly believe his eyes when they rested on an island to the westward. He called Chipp to look at it, and Chipp saw it was land sure enough, and sent Ericksen to inform me. I had just finished working out our position when the extraordinary news came, and was writing out the result: Latitude 76° 43' 20" N., longitude 161° 53' 45" E., a drift since the 14th of five and a half miles to N. 16° E. Of course I dropped my books and ran up to the fore yard, and there, sure enough, I saw a small island one half point forward of our starboard beam, the first land that has greeted our eyes since March 24, 1880, nearly fourteen months ago. And our voyage, thank God, is not a perfect blank, for here we have discovered something, however small it may be. Some fog is resting over it, and to the right hand or northward of it, and we do not think we see all of our wonderful landfall. Bearings I take at once, and find our island bears S. 78°45' W. (magnetic), or (the variation being 18° E.) N. 83° 15' W. (true), but we can do nothing more. Its distance we cannot estimate. If low land comparatively, it may be forty miles distant (see our idea of Herald Island's distance), and if high land seventy to eighty miles. But after a number of days, if we change the bearing of it to some extent, I can compute its distance, and determine if, and in what manner, we can land upon and take possession of and explore our discovery. Cooped up as we have been for over twenty months, we shall enjoy getting our foot on solid earth or stone as much as if it were Central Park, for it will be a change. But whether it will be earth or stone we do not know of course. What this poor desolate island, standing among icy wastes, may have to do in the economy of nature I do not know, or in fact care. It is solid land, whether of volcanic origin or otherwise, and will stand still long enough to let a man realize where he is. Moreover, this must be the spot to which the ducks and geese have been steadily flying, and if we can get some of them for a change to our canned meats, what a treat! And then bears must swarm on our island! In fine, this island is to us our all in all. We gaze at it, we criticise it, we guess at its distance, we wish for a favoring gale to drive us towards it, and no doubt we would accept an assertion that it contained a gold mine which would make us all as rich as the treasury without its debts. I believe most of us look carefully at our island before we go to bed, to make sure it has not melted away. Fourteen months without anything to look at but ice and sky, and twenty months drifting in the pack, will make a little mass of volcanic rock like our island as pleasing to the eye as an oasis in the desert.

Beside this stupendous island, the other events of the day sink into insignificance.

May 17th, Tuesday.—Our island continues to be the cynosure of all eyes, of course, and as the fog which hung over it yesterday has disappeared to-day, we are able to define its appearance better, the white portion which the fog hid yesterday showing as a snowy slope extending back to some distance. The shaded portions seem to be rock, with clefts or gulleys in it, in which snow has lodged. The highest and further corner seems to be a volcano top. We are watching the land anxiously enough, and getting our position by observations daily, but of course in one day we have not altered bearings at all. That may be a question of weeks, unless we have stiff winds. Sights to-day place us in latitude N. 76° 43' 38", longitude E. 161° 42' 30",—a drift since yesterday of two and one half miles N. 83° W., or exactly towards the island.

Soundings forty-three fathoms (mud and pebbles), a slight drift N. by E. being indicated by the lead line. Temperature, maximum, 11.5°; minimum, minus 5.5°. What lovely weather for the middle of May!

May 18th, Wednesday.—Latitude N. 76° 44' 50", longitude E. 161° 30' 45". As we draw ahead of our island, we open out quite a face to the northward, and Mr. Dunbar is quite certain that he saw high land above and beyond it to the westward. My repeated visits to the crow's-nest show me a strong appearance of high land, but I have not yet been able to say positively that it is not cloud. At one time I thought I could see a connecting snow-line, as if the upper part of our island sloped backward and upward to a higher ridge beyond, but I was unable to see a snow-peak that Mr. Dunbar saw just before I could join him in the crow's-nest. Weather generally clear, bright, and pleasant. An E. wind freshening, and promising a stronger blow for tomorrow.

The ice opened in a crack about five hunderd yards to the eastward of the ship, and came together toward midnight, the ship receiving several shocks when the ice edges met.

We are favored with an occasional dovekie (black guillemot), shot by some of our people, the luckless bird being attracted by the little lanes and cracks in the ice near us instead of making for the island, where it would be safe. Last Saturday we in the cabin had one apiece for dinner, and I am in hopes of seeing enough hanging to the main boom to have them for dinner fore and aft next Saturday.

May 19th, Thursday.—E.S.E. winds make us move along at a brisk rate, evidenced by our opening out our islands's north side. Centre of island bears W. (true).

At 9:30 A.M. the ice quietly opened seventy yards from our starboard bow, and a lane of water about twenty feet in width extended north and south for about three miles, and several other cracks and lanes were visible to the northwest. Whether when we get to the westward of our island the ice will spread and open remains to be seen; but the land is quite close enough, unless we can use it for an advance. We have a crack under our starboard counter that may connect, and a crack ahead in the line of our keel as

a starter, which may at any time leave our whole starboard side bare.

May 20th, Friday.—Latitude 76° 52' 22" N., longitude 161° 7' 45" E.—a drift since the 11th of nine miles N. 35° W. As the island last observed on the 16th now bears S. 78° 30° W. (true), I can compute the distance by the change in bearing, and the result is twenty-four and three fifths miles (and thirty-four and seven tenths miles on the 16th). The dimensions of it I cannot accurately measure yet, though with an octant I find it subtends an angle of 2' 10' on this bearing. But from our point of view the island is foreshortened, for I think its greatest length is in an east and west direction. As we draw to the northwest, we open out the western face and shut in the eastern face correspondingly, but I have taken the same point each time for my bearing by the course indicator on the bridge. There now seems to be a curious little island off the western end, which looks like a mound with a beehive on it, but I hope soon to be able to say whether it is a separate island or a continuation of the first one.

Toward midnight a strong appearance of land was seen bearing west by north roughly, like an inclined plane, but clouds rested on so much of it that I cannot speak positively.

Soundings in forty-two fathoms; drift N. W. indicated. At this rate we shall soon get to the shortest distance from our island, which I locate by computation of its distance before mentioned to be in latitude N. 76° 47' 28", longitude 159° 20' 45" E. E. S. E. gale seventeen to twenty-one miles an hour, and a pleasant temperature plus 16°. At 8:30 a.m. the ship received a blow under water, seemingly near the stern post, and doubtless from some drifting, submerged ice-block.

May 21st, Saturday.—A dull, gloomy day, E. S. E. gale, and I manage to get a meridian altitude, showing that we have made seven miles in latitude at all events. Our island appears only occasionally, but bearing S. 72° W. There seems to be no immediate chance of this blow abating, so it will be a question of waiting to see in what position it leaves us before deciding upon our ability to land upon and take possession of our island.

I am sorry to record the mysterious disappearance of another of our dogs, generally known as Lauterbach, and heretofore recognizable by his having a hairless tail, the result of a scalding accident. He has gone and laid himself away somewhere, for he has been missing several days.

May 22d, Sunday.—At nine a.m. the ship received another severe shock, probably striking ice under water.

May 23d, Monday.—I am sorry to be obliged to record the addition of Chipp to our sick-list. For a long time past he has been in poor condition, growing thin and weak, but insisting on going about and attending to his duty. He has strong dislikes to medicines and medical treatment, and would not believe he stood in need of either. Being overruled in that respect by me, he did take a tonic prescribed by the doctor; but of course, as it was taken unwillingly, under protest, no good was experienced from its use, and it was discontinued. Now nature asserts itself, and he is so reduced, by reason of his failure to eat enough, and so nervous and restless, because of continued loss of sleep, that it is simply impossible for him to keep up, and he is forced to his bed. The doctor hopes to have him around in a few days, but I am not satisfied that a few days can repair the damage already done. Considerable fall of soft, large snowflakes.

May 24th, Tuesday.—The first thing I heard upon arising this morning was that more land was in sight, and the next thing was that the ice was very slack, with many large lanes of water. The strong appearance of land on the 20th, towards midnight, proves to have been land in reality,—another island being added to our discoveries, somewhat longer (if not less distant) than our first named. Upon going up to the crow's nest I had a good view of both islands and of more water than we have seen since September, 1879. In consequence of the subsidence of the wind, the ice has become very slack, and numerous long openings or lanes have occurred, varying in width from twenty to one hundred feet, and in length from one eighth mile to three miles. Unfortunately for purposes of navigation they are not connected, and though having a general northwest and southeast direction, do not lead to anything. Just at this moment I would be contented if by any means I could get the ship into one of these islands for a temporary breathing spell, and a chance to get some game for our supplies; but, unfortunately, I cannot saw through thirty miles of ice or blast that amount out of my way. The lanes of water are very tantalizing, for they indicate what might be done if there were more of them. They seem to be in our neighborhood only, or within radius of five miles, while the islands are thirty, and say forty miles off,—and from that five miles radius to the islands the ice is as close and compact as ever.

However, we made all the use we could of the openings. The iron dingy, the two kyacks, and the oumiack were put into requisition, and away went parties to hunt for birds and seals, dragging the boats from one lead to another, as occasion required. And while a party of men were thus employed in transportating the oumiack on their shoulders she slipped, and brought so much weight on John Lauterbach (a coal heaver) as to double him up and severely strain his back.

"It never rains but it pours," is an old saying, and it seems to be proven in our case, for hardly had we prepared ourselves to take care of Chipp when we have another case, Lauterbach. When I saw him being supported back to the ship by a shipmate, I was afraid he had shot himself, or had been shot by a companion,—accidentally, of course, in both cases,—and I ran out to meet him with considerable alarm. For some time it was impossible to find our what was the matter, for the man was in great pain and unable to talk. However, beyond a severe wrench to the small of his back, there was no injury inflicted, and except for his being laid up for some days no serious consequences are to be anticipated.

Now for the land. It is an island beyond doubt; and its nearest point, which I take to be its southern extremity, bears S. 69° 30' W., and it subtends an angle of 3° 35', while our first discovery's eastern end bears S. 17° W., and subtends an angle of 2° 42'. I think both islands extend in a west by north and east by south direction. Computation of the position of our first island from our change of its bearing of the 20th and 24th, would put it more accurately in latitude N. 76° 48', longitude E. 159°; and until I can get its bearing due south (true), this bearing of today and the 20th are more nearly accurate as to longitude than those of the 16th and 20th.

Latitude N. 77° 16', longitude E. 159° 23' 30". A drift since the 20th of thirty-two and one half miles N. 41° W. This is progress indeed,—eight miles a day. Considering that we commenced the year in latitude 73° 48', longitude E. 177° 32', we have no reason to complain at the long step we have made,—310 miles N. 47° W.

Soundings in forty and one half fathoms, and temperature comparatively cheerful, plus 27°.

Our engineer's force are occupied in putting together the windmill pump and getting it ready for the summer's work. Chipp is still quite weak, and in consequence obliged to keep his bed. I have taken every precaution to keep his surroundings as quiet as possible, muffling chair legs, not striking the ship's bell, etc., and he has had a peaceful day in consequence.

May 25th, Wednesday.—Our invalids are progressing slowly. Chipp is still very weak, and obliged to keep his bed altogether by the surgeon's orders, as a surety for rest and quiet. Danenhower is just the same, but as he caught a cold some days ago, he is forced to stay below at all times, except at meal hours. Lauterbach is better, though his back will feel the wrench it received for some days. Alexey is slowly getting his leg to heal, there being now but a very small hole open. Otherwise, we are all as well as usual, and all hands are certainly free from scorbutic taint.

Many of our lanes are found closed today, the ice having come together during the night. A light film, say one eighth of an inch of ice, formed over the lanes not disturbed. Our islands were in plain sight all day, giving me a chance to get good bearings and angles, which are sufficiently indicated by the sketches on the preceding pages.

May 26th, Thursday.—A dull, gloomy day, with overcast sky, and N. N. W. breezes puffing fitfully. The islands were invisible until six p.m., when they came out from the dull, thick haze. The ice seemed to slack up again today, numerous unconnected lanes and ponds showing themselves, but of no use to us yet. Took advantage of the breeze to make the windmill do all the pumping after noon, to the relief of the men on watch, who must have learned to hate the hand-pumps many months since.

May 27th, Friday.—Latitude 77° 14' 45" N., longitude 159° 16' E. A drift since the 25th of five miles S. W. This brings us much nearer our second island, and it is very tantalizing to be gazing at what seems a fine bay and not be able to sail into it. Soundings in thirty-nine fathoms, slight drift S. W. On account of light winds had to close the water gates again and all back upon hand pumping.

May 28th, Saturday.—Soundings forty fathoms, and the state of the temperature is by no means pleasant, maximum 19°, minimum 15°. Our invalids give me the usual anxiety. Chipp is very weak, and I fear it will take a long time to build him up. Danenhower, of course, will be of no use so long as he is in the ship. Alexey slowly recovers. Lauterbach is improving, his back slowly recovering from the strain. But with many things crowning in on me I almost feel that the crucial moment in our voyage is at hand.

May 29th, Sunday.—We get considerable work out of the windmill to-day, and our men are consequently relieved from the endless clang-clang of the handpump. Our dull and gloomy weather continues, to my disappointment, for I can get no observations for position. These are particularly desirable now, because I want to fix the position of Henrietta Island. It is very difficult to get good bearings from deck of anything, because the ice-hummocks and ridges are so high and so continuous that it is only here and there that we can see even the plainest land; and then it looks so much like the black spots in the ice, that when one puts his eye down to the sight-vane of the compass, he is as apt to take the bearing of a black spot as of the land. Besides, we cannot

see extreme points from the land. Angling with a sextant from aloft is cold work, and some points show too faintly to get a reflection, so that though I have measured angles several times, I have only recorded them when I have been sure of them.

We were startled this afternoon by an enormous flock of ducks, estimated to be five hundred in number—more than any one had ever seen before—flying quite low and heading to the northward, where I suppose there must be more land. Our dogs took after them in a body, until stopped by water, and turned back.

The ice seems to be very close again, an easterly breeze setting it in motion enough to press against the islands and close all lanes.

Inspection and divine service as usual on Sundays.

May 30th, Monday.—I have decided to send a party to try to make a landing on Henrietta Island. Tired of waiting for a chance to get observations to determine its position, I accept twelve miles as its probable distance southwest and a half west, true. Though I know the traveling will be heavy, I hope that by sending two officers, four men, fifteen dogs, with a sled and light dingy (for ferriage), and seven days' provisions, as the only heavy weights, they will be able to accomplish my object,—landing, leaving a record of our condition, and perhaps bringing back a good supply of birds. Having but one commissioned officer available, Melville, he must take charge of the party. With Chipp and Danenhower both on the sick-list, they can neither be sent, nor left in charge of the ship if I go myself, as is my strong desire. The doctor cannot go, for his steady sick-list puts him hors concours, and my responsibility for the ship and the safety of all hands will not permit me to leave her in charge of Mr. Dunbar, the only officer man in the cabin besides myself fit for duty. Consequently I make out orders for Mr. Melville to go in command, and to take Mr. Dunbar, Nindemann, Ericksen, Bartlett, and Sharvell with him, and to start to-morrow morning. The weather continues good, with light winds, and barometer rising to 30, and I think we are drawing in toward the island all the time with the ship. Such arrangements as I have made for them and their return I will write out in full to-morrow. To-day I had Sweetman remove the porch from the starboard side of the galley, and I set the men to work digging a trench around the ship. We are now beginning to be straitened for dog food; all our condemned meats, fish, and other suitable articles are ended. Having tried the dogs upon everything to their seeming satisfaction, we at last tried them with potatoes (desiccated). But here was the dividing line. They turned up their noses and walked away in disgust, and no matter how great their hunger, they cannot be induced to astonish their stomachs with such an excellent (?) anti-scorbutic. In fine, something else had to be done, and so I ordered one half pound English pemmican, and one half pound corn meal to be served out to every dog every second day from the ship's stores; and in order that no more of such precious food than was absolutely necessary should be expended for dogs, I gave orders that three old and worn-out dogs should be quietly removed from the ship and shot. Of course I regret taking even a dog's life, but where it is a question of sentiment only in putting priceless food into a dog, from which no work can ever be obtained, the sentiment cannot be tolerated.

May 31st, Tuesday.—At nine a.m., everything being ready, the sledge party, in charge of Melville, started. Mr. Dunbar, Nindemann, Ericksen, Bartlett, and Sharvell composed the personnel, and the following the material:—

15 dogs.	6 sleeping-bags.
42 lbs. American pemmican.	10½ lbs. sardines.
21 lbs. pigs' feet.	42 lbs. mutton-broth.
42 oz. lime juice.	5½ lbs. coffee.
1 McClintock sled.	2¾ lbs. tea.
1 McClintock dingy.	5½ lbs. chocolate.
1 tent.	10½ lbs. sugar.
5 tent-poles.	2 rubber blankets.
210 lbs. English pemmican.	6 packed knapsacks.
42 lbs. bread.	2 rifles.
1 cooking-stove and mess gear.	2 shot-guns.

sextant, artificial horizon, prismatic compass, opera-glass, ensign, medicine, etc.

We all assembled on the ice, and of course cheers were exchanged. Away they went merrily enough until they came to an ice opening, where they were obliged to make a ferriage. Here some of their dogs ran away and returned to the ship, but I sent them back at once, and followed up the sled until they made a new departure. I watched them frequently from the crow's-nest, and at six p.m. I saw them about five miles from the ship, evidently halting for a rest. Of course I sent lime juice, and moreover I started them with eleven gallons fresh water; and besides having Dr. Ambler prepare medical advice and suggestions, I directed Melville frequently to rest his party, to look out for snow-blindness, and to avoid using surface snow and floe ice. Should the distilled water give our during the trip to the island, he was directed to scrape the brokendown crystals from the tops of old hummocks. From the moment of his departure, a large black flag eleven feet six inches square was to be kept flying at the main, and he was frequently to take bearings to it. Should it shut in thick after he had been away forty-eight hours, one of the whale guns or the brass piece will be fired every four hours; and in clear, bright weather, from and after the third noon from his departure, a fire of some material, giving plenty of smoke, will be made at meridian. He is not to remain at the island more than twenty-four hours, and is to do as much as he can in carrying out my written orders.

Of course there is some risk in the this trip. But the weather remains good, light northerly winds prevail, and our drift seems to be directly towards the island. I want to know whether there is any bay in which I can place the ship, and perhaps remedy her leak; whether there is any animal or bird life with which I can replenish our waning stock of provisions; and whether, in the event of disaster, we can fall back upon this island as a place to live, and make a fresh departure for the Siberian coast; whether there is any more land in sight from its summit; and very particularly what is the appearance of the world beyond, whether interminable ice or a chance of water. Should the ice break up around us, I want to know what are the prospects; and so much knowledge can be gained by this visit, as well as the satisfaction of planting our flag upon a newly discovered piece of the earth, that I think the risk of undertaking the journey is justified. During the afternoon, when the weather cleared up, I got good bearings, and I find Jeannette Island on our port bow (S. 11° E. true) and Henrietta Island on our starboard bow (S. 51° W. true), verifying my belief that we are drifting toward the latter island, and heading between the two. My anxiety will be endless and unremitting until I get all hands under my wing again; and I pray God so to aid them and guide us that no mishap may occur.

Soundings in thirty-nine fathoms; slight drift S.S.W., and a low temperature to close our month—9°. Lauterbach restored to duty from sickness.

June 1st, Wednesday.—What next? The doctor informs me this morning that he is of opinion that several of our party under his treatment are suffering from lead poisoning. Newcomb is quite under the weather with severe colic, and Kuehne is about the same. Alexey is complaining in a similar manner, and our steward is very ill indeed. The doctor says he is a little disturbed also, and Chipp has had a sharp touch of it. No less than six people, and the sledge party yet to hear from. Suspicion was first directed to the water, for as all joints about the distiller are red leaded to make them tight, we far that some of the lead was carried over with the steam and deposited in the receiver. This, unfortunately, cannot be entirely avoided, though it may be reduced. Then I examined all vessels in which drinking water is carried or tea and coffee made, and I put out of commission all having any solder patches, substituting iron vessels lined with procelain. But upon examining our tomatoes, they were found to show traces of lead in larger amounts than the water, and the doctor thinks that the distemper, if I may so call it, is due to our large consumption of that vegetable. The acid of the tomato acts chemically upon the solder used in the tins, and the dangerous mixture is formed; and since we have had tomatoes every day for dinner subsequent to May 4th, it is assumed that we have become largely dosed with lead, and some of us have had to succumb. Inasmuch as we all eat tomatoes, the exemption of the majority is due to their greater capacity for lead, I suppose, for no good reason presents itself to my mind. It has transpired that the steward, who is the worst case, is remarkably fond of this vegetable, and eats of its unsparingly. Of course we have eaten tomatoes four times a week ever since our commissioning, and until May 4th, without any bad result, but that does not prove anything. A very interesting question here comes in. Our canned fruits have, I believe, similar chemical action upon the lead soldering, and no doubt we are absorbing more or less lead all the time. Now does this chemical action begin at once or at the end of two years? A very important question to an Arctic expedition, for of what use is it to secure exemption from scurvy for two years if disabling lead poison finishes you in the third year? The doctor says each severe attack may be mitigated by medicine, but a continued absorption of the lead will produce palsy, and that would certainly be a perplexing disease to deal with in an Arctic ship. If the chemical action begins as soon as the tomato is canned one is in danger at all times. However, as we stood the vegetable four times a week, I order a return to that issue to see what effect well be produced.

We are certainly drawing in upon Henrietta Island, and getting Jeannette Island well opened on the port bow. Bearings to-day: ship's head S. 10° W. (true); east end Jeannette Island, S. 10° 30' E.; south end Henrietta Island, S. 51° W.; north end, S. 57° W.; latitude 77° 16' 14"; but I could get no time sight.

During the forenoon our traveling party were sighted from aloft, apparently more than half way to the island.

Dull and gloomy weather; temperature, maximum 15°, minimum 8°.—lovely for a June day. (Strawberries will be late this year in these latitudes.) The ice seems to have slacked up again, a wide opening occurring about twenty yards west of the ship, and extending for a mile north northwest and south southeast.

June 2d, Thursday.—Henrietta Island has been in sight all day and very plainly too, and I am very much deceived if it is more than eight miles distant.

Our lead invalids are responding to treatment, the steward more slowly than the ..., as his attack was the most severe. I have had occasion hereto fore to note how naturally one of our two Chinese does the work of both whenever one is sick, and I am not surprised, therefore, to see the cook calmly cook for all hands and look out for the cabin and ward-room, and wait upon the table; and just now, with extra things like arrow-root, beef-tea, etc., for the sick, and the serving of one sick officer's meals in his room, he has no easy time of it. But it is all done, and Ah Sam nurses Charles Tong Sing meanwhile. My respect and admiration for these two men are boundless. Everything about the ice seems to have come to a stand again. Ice has formed over all openings.

June 3d, Friday.—Nothing yet to be seen of Melville and his party. Taking all things into consideration, I do not expect him before to-morrow night or Sunday morning; but though neither of these times are here yet, I cannot help the constant uneasiness which I experience. Henrietta Island was in plain sight all day, and we are assuredly closing in on it. Bearings of the south end, S. 52° W. (true), and of the north end S. 61° W (true) I fix our position to-day in latitude 77° 13' N., longitude 158° 12' E.; and by the change of bearing since May 24th I fix the south end of the island in latitude 77.8° N., longitude 157° 43' E., and that makes it eight miles distant. Our drift since May 25th has been S. 74° W. nineteen miles.

We discovered this morning that the ice under the stern was domed up and cracked, and we came to the conclusion that the ship was trying to rise in her bed. To facilitate ... operation, and to prevent too much ... being brought on her keel which pro...ngs under the rudder, the men were set to work digging away the ice. It was a tough job, for it is as hard as flint, and clings like an old and tried friend. Here and there the mark of the fibre of the wood shows in the attached ice, and in several places the oakum has been torn out of the seams when the ship has been raised a little.

We rig our quarter deck pumps for an hour to-day, and pump the ship out dry, getting up much of the dirty water which has been stagnant all winter, and of late has occasionally greeted our noses. By counting the number of strokes of our pumps and computing the work done, I find that our leak now amounts to 4,874 gallons a day, or about 203 gallons an hour.

The steward has gone back to duty to-day, to our great comfort. He seems quite recovered from his share of lead. Chipp is, however, set back again by an imprudent eating of raisins yesterday. Newcomb is terribly down in the mouth, and looks as woe-begone as possible. He has suffered considerably. Curious that so many of us feel no effects of "Lead in ours" as yet! And we are all on the same diet. I hope none of the traveling party have been afflicted, for assuredly they have enough to do for well men.

June 4th, Saturday.—With one thing and another a lively day. As a fog shut everything in after three p.m., I got our brass gun out and loaded it for a signal to our traveling party should they be within range. Before noon it was fairly clear and pleasant weather, and at eleven a.m. I had a fire made on the ice ahead of the ship, and with ... and oakum we made a good black smoke ... an hour. About two p.m. I heard a shot, and going out to see about it I learned that a bear had come up near the ship without being seen by the man on watch (a bright lookout on Dressler's part), and when Starr, who was astern, ran out to get a shot, his aim was so disturbed by his breathlessness that he missed, and away ran Bruin. Chase was given him, of course, and he was fired at; but alas! our 600 pounds of fresh meat escaped.

From Starr's account, he came up and looked at our few remaining dogs, and they looked at him without making a sign. Then Bruin walked to the nearest clothes-pole, deliberately used it to scratch his back and sides against, and then, seeing Starr, commenced to walk away. As he heard the bullet sing he quickened his pace to a run and (why prolong it) escaped. Our tar smoke, no doubt, attracted him. Fired the guns at four p.m. At eight p.m., with a good clearing, we could see nothing of the sledge party.

June 5th, Sunday.—At six a.m., Manson, the man on watch, informed me that the traveling party was in sight. Going out on deck, I could see the silk flag here and there appearing among the hummocks as the sled advanced through the ice. I ordered our colors to be shown, and the men to be turned out to receive the travelers, and then hastening out on the ice tried to fire the whale-gun as a signal to our people that they were seen. After failing once or twice, I left the gun in charge of the men who had come on deck, and came on board. As I reached the mainmast I heard a slight explosion, and, anxious to know whether it was our gun or a shot from the returning party, I was rushing up on the bridge, when crash! I got a terrible blow on the head. Forgetful of the windmill, in my anxiety for the travelers, I had rushed up in time to get a blow from one of its wings flying before a ten-mile wind. Stunned and confused I crawled back, while the blood sprinkled on the ladder and quarter deck, and the quartermaster ran toward me in alarm. Feeling that my head must be cut, I called the steward to get me some water in a basin, and when he came I told him to see what was wrong. He looked at my head, and exclaimed, "Oh my! great big hole!" upon which I concluded I wanted the doctor's opinion, loath as I was to disturb him and add to his already great care and anxiety. When Dr. Ambler came up in the cabin, I learned that I had my head cut open in a four-inch gash, etc. Stitching and plastering followed, and then I resumed my scrutiny of the returning party.

To my relief I could count six people, and all hands seemingly had come to a halt. As soon as possible, I sent out Mr. Cole and the starboard watch to meet them and help them in. At 8.50 A. M. along came the sled, drawn by the dogs and three of the six travelers. Melville and Sharvell had remained with the boat, and Mr. Dunbar was carried part way and walked part way, and reached the ship snow-blind. He was disabled at noon on the third day out, and led or carried thenceforth. Melville sent me the following message, on receipt of which I sent the port watch in Sweetman's charge with a spare sled, and, accompanied by the doctor, I went forward shortly after. By 9.40 A. M. I had them all on board, worn and tired, it is true, but no one disabled but Mr. Dunbar.

Melville's message:

10.30 A. M. I have just broken the sleigh runner, dismounted my boat, and am in the midst of a heavy jam of ice. Please send another sled at once. Landed on the island 6.10 P. M., third day out.

Respectfully,

MELVILLE.

To Lieutenant De Long, Commanding Jeannette.

The party landed on the island on Thursday, June 2d (Friday, June 3d), hoisted our silk flag, took possession of the island in the name of the Great Jehovah and the United States of America, and, agreeably to my orders, named it Henrietta Island. T... build a cairn and placed within it the record which I send with them, and made as much examination of the island and search for vegetation as their limited stay would permit. The island is a desolate rock, surmounted by a snow-cap, which feeds several discharging glaciers on its east face. Dovekies, nesting in the face of the rock are the only signs of game. A little moss, some grass, and a handful of rock were brought back as trophies. The cliffs are inaccessible, because of their steepness. The ice between the ship and the island is something frightful. Road-digging, ferrying, and its attendant loading and unloading, arm-breaking hauls, and panic-stricken dogs made their journey a terribly severe one. Near the island the ice was all alive, and Melville left his boat and supplies, and carrying only a day's provisions and his instruments, at the risk of his life went through the terrible mass, actually dragging the dogs, which from fear refused to follow their human leaders. If this persistence on landing upon this island, in spite of the superhuman difficulties he encountered, is not reckoned a brave and meritorious action, it will not be from any failure on my part to make it known. I issued a general order communicating the names and positions of the two islands: Jeannette Island (our discovery of May 16th), in latitude N. 76° 47', longitude E. 158° 56'; and Henrietta Island (our discovery of May 24th), in latitude N. 77° 8', longitude E. 157° 43'; and in the evening I ordered a double ration of whiskey served out forward. At ten a.m. I read the Articles of War and inspected the ship, and at 1:30 p.m. I read divine service.

Thank God, we have at least landed upon a newly discovered part of this earth, and a perilous journey has been accomplished without disaster. It was a great risk, but it has resulted in some advantage.

July 11th, Monday, everything was advanced one and a half miles, and I was counting upon completing another three miles this day, when a lead was found open a quarter of a mile from our dinner camp. Every time I stopped before midnight I could hear the soft roar of water lapping against ice, and I was not much surprised when water was found close at hand. Turned to at 1.50 A.M., and advanced everything to the lead by 3.50. The opening had widened considerably, and several of them followed in close succession, requiring ferrying and bridging, and at 6.40 A.M., when we pitched camp, I am sorry to say we had advanced only two miles altogether instead of three.

While waiting for everything to come up to the first ferry, I was much struck with the unusual appearance of the clouds to the southwest, which gave more indications of water than anything we had yet seen. Calling Mr. Dunbar's attention to them, he expressed his opinion that such clouds did not hang over ice. Climbing to the top of a hummock twenty feet above the water-level, and examining carefully with a glass, I saw unmistakable land and water. It now appears that this was the land seen yesterday. At all events it is land, sure enough, and water, too. What it may be no one can say—whether newly discovered land, or (our longitude being out) some portion of Siberia. It can hardly be any one of the Liakhoff Islands.

Another pleasant feature is our course, southwest being a straight line to it. My change from south to southwest may therefore be a wise act, resulting in our speedier liberation. Judging by ordinary distances, I

should say the land is ten to fifteen miles distant; and as I could see quite a large expanse of water, with long streams of detached ice, it may be that once at the argin of this ice-field through which we : now toiling we may have open water to .e Siberian coast, thus verifying some part of the statement of Russian explorers. We have exploded so many theories of other people that it will be hard to make us believe that we can have left the ice behind us short of the Arctic circle.

One month ago to-day our ship went down, and I do not see any one the worse for the work that has fallen to us since. That it is hard work there can be no dispute. It is conceded by everybody to be the hardest work they ever did. The drag, drag, the slips and jerks, the sudden bringing up of the hauling belt across the chest, are fearfully trying; and the working with pick-axes through flinty ice makes every bone ache. From the looks of the weather at camping, I judge we are in for a southeast blow. The sky is overcast, a nasty fog shuts in everything. If we have a southeaster we may be blown miles to the northwest before we can get to this land or water.

Our cocoa and chocolate being exhausted (to my satisfaction, for I like neither), we commenced this evening (morning) on our tea.—one ounce per man is too much, and I shall reduce it to a half ounce. Pipe down at nine a.m. Men to stand watches of two hours. Called all hands at six p.m.; breakfast at seven for everybody but No. 1, and we were delayed until 7.20; occasionally the cooks get bothered with the stoves, and this was the case with our cook, Ericksen, this morning. Found the barometer had fallen to 29.55 at 38°, and the temperature risen to 35°. A thick fog shut in everything at short distances, but we had so much water around that we seemed already to have reached e margin of the ice. Rain fell at six p.m. .eavily, and the S.E. wind, which blew freshly during our sleep, was now only a moderate breeze from south southwest. At eight p.m. I took the dingy and went ahead to look at our prospects. So much fog prevailed that from the camp it was impossible to see the other side of the water around us. Just after I started rain fell again, but the wind shifted to southwest, and a clearing along the horizon indicated a change for the better. I found that in order to make any progress we must ferry our things down a lead about three hundred yards in length, and then drag them across in intervening floe piece to another lead which we must cross. Emptying the first and second cutters at nine p.m., they were made to serve as ferry boats. Hauling loose packages, tents, sleeping-bags, knapsacks, and even dogs and dog sleds was easy enough, but the loaded sleds gave much annoyance, lest improper managing should damage a boat. Using the first cutter alone for this purpose, and hauling one sled at a time over the stern, two trips were made, and then I took her and gave her the two remaining sleds to carry, one over the bow and one over the stern, while six of us got amidships to distribute weight while we hauled her over. It was risky, I admit, but I did not want to lose the time which would be required to unload, load, and relash the four heavy sleds. I do not think, as it was, we made more than one quarter of a mile good when the arrival of—

July 12th, Tuesday, gave the signal of halting for dinner, which we ate at one a.m. The weather was sensibly colder, and the ind had veered to the west. The sun began o show brightly, and we could see for some distance. The ice ahead of us had all opened with the change of wind, and ferrying was the order of the day. Though not disagreeable work it is at times fearfully slow, particularly when no suitably sized pieces are at hand, and we have to take an island as long as a mail steamer, and seven to ten feet thick, for a ferry boat. However, over we went, traversed two floes one quarter of a mile each in extent, and, finally at 6:30 a.m., halted and camped on an island of ice five hundred years in diameter, and averaging ten feet in thickness, as the best camping place available. Our outlook was not encouraging. Lanes of water not large enough to help us, but wide enough to bother us, and some rough-looking ice lay before us for our next task. The wind had got to northwest and the weather was bright and sunny, but somewhat squally. Distance made good one and a half miles. Nothing could be seen of the land and water we saw yesterday. The southwest horizon was foggy. Many dovekies (guillemots) were seen, several gulls, one auk, and, strange to say, the doctor picked up a live butterfly, which I have preserved. This last is not an habitue of the ice, and was certainly blown from the land by the southeaster of yesterday, or by the southwester which followed it.

Supper at 7:30 a.m. Nobody under our conditions could write very fully all the occurrences of a day, and I am very glad before turning in each morning to remember even as much as I write. The hundred trials and difficulties in getting along, the heavy hauling, etc., are regular, and once mentioned need no repetition. No doubt, one of these days I can more satisfactorily describe our march over the frozen ocean, but just now these rough notes must suffice. Sounded in twenty-five fathoms; muddy bottom, rapid drift S.E. Piped down at nine a.m. Called all hands at six p.m., breakfasted at seven p.m.; fresh N.W. wind; barometer, 30.05 at 40°; thermometer, 31°; cloudy and foggy; under way at eight p.m. Immediately we had to ferry all our things across from the island on which we camped to the one alongside of it, and from there to adjoining ones, and at 12:30 a.m.,

July 13th, Wednesday, we had only made on half mile good, reaching then a strip of ice about a mile long. Halted for dinner, and at 1:50 went ahead again. Traversed this one mile piece, and then came to an opening about two hundred feet wide, separating us from an ice-island, which on the opposite side was near enough to a floe piece to make access easy. By great look there were three large cakes floating along this two hundred and a foot opening; we seized on them, dragged them into position for a bridge, and were thus able to proceed without much delay. Beyond them was a long, flat floe one half mile in extent northeast and southwest, and probably five miles northwest and southeast. As we only took so much of it as was on our course, the one half mile was all that we traversed, and at 6.35 A.M. halted and camped, satisfied that our one and three fourths miles were well made. While the boats were being brought up, Mr. Dunbar and I took the dingy and went down the lead at which our floe terminated, to see what it promised. It resulted in nothing except giving me a high hummock from which I could see well around me. I at once made up my mind that to go on our course tomorrow would be impossible. For not only did we have a fearful half mile of repeated ferryings before we reached good ice again, but the unloading of the boats, and a whole day, would be thus involved. By going across the lead due west we had a level floe running west southwest for two miles, which then connected with good ice, and would enable us to resume our course southwest. This I decided to be my plan of action on again breaking camp. Returning to our camping place I again saw the curious-looking clouds noticed in the southwest on the 11th, and looked anxiously for the same land and water then seen, but was disappointed. Shortly after Mr. Dunbar came to me and said he saw the open water. After some looking in vain, I at last saw it, with ice-streams in it, but no land, and judging from relative distances and my range of view, I think it was inside of eight miles southwest. The weather since midnight had been dull and gloomy. Large ponds, larger than any we had yet seen, were crossed, and more lay beyond us. These, and the remarkable looseness of the ice, led us to infer that we were near open water. As a good clear horizon would decide this question beyond doubt at any time, our foggy weather is all the more deplorable before camping.

And now occurred the first serious breach of discipline among the crew since our commissioning, over two years ago, and on the part of a man whose conduct has been so uniform beyond reproach as to make it the more surprising. It appears that Melville had placed a pair of soles in the stern of one of the boats, and the shaking of the boat in dragging had shifted them on the sleeping-bag of Ed. Starr (seaman). Upon halting to camp, Starr went to the boat, picked up the soles, and flung them some distance on the ice, in a temper. Melville informed him they belonged to him, and ordered Starr to pick them up, at the same time saying, "Don't do that again." To the order Staff paid no attention, but growled something about wet soles and his sleeping-bag, and he did not care whose they were. Hearing Melville repeating his order, and Starr making argumentative and sulky replies I went to the scene, and to my surprise found Starr showing no intention to pick up the soles, but continuing to speak in a surly and disrespectful manner. I at once ordered him to stop talking, and to obey Mr. Melville's order. He paid no attention to either order, but continued his rummaging in the boat; and his growl continued, "A nice place to put wet boot soles," etc., etc. And it was only upon my three or four times repeated order to pick up those soles that he did so. But to my order to keep silent he paid no obedience till he apparently had no more to say. I ordered him to stand up apart from everybody, and in a few moments asked him if he had anything to say in explanation of his conduct—disobedience of Mr.° ° ° repairs exceed our supply. I have already authorized the use of the leather from the dingy's oars, and this morning I had to have the leather cut off the first cutter's steering oar for patches. This leather will last longer than skin patches, it is true, but I hope the time is not far distant when I can have at least this one care and anxiety removed from my mind. Supper at 7:20 a.m. Piped down at nine a.m. Called all hands at six p.m. Breakfast at seven p.m. Moderate N.W. wind; weather dull and gloomy, with some fog. Under way at 8:15 p.m., some little time having been lost in harnessing up the dogs. Some of them, during our sleep, devoted themselves to eating the hide part of two harnesses carelessly placed within their reach. There were no less than eleven openings in the ice ahead of us before dinner, and we had to bridge and watch three of them. In momentary fear that all eleven might open and give us any amount of trouble, I hurried everything along with all speed, and I am satisfied that by one a.m. we had made a good mile and a half.

July 15th, Friday.—Before midnight the horizon to the northwest began to brighten, and there were indications of a clearing. The heavy masses of fog and clouds began to roll away, and occasional glimpses could be had of the sun and blue sky, with cirro-cumulus clouds which seemed to me to be

rising from the southeast. By midnight the sky was clearing also to the west and southwest, and I was beginning to peer around for our land and water, when I saw Aneguin ahead of me on a high hummock looking intently to the westward. Hastening forward, he showed me a long black streak on the western horizon, calling it an island. I looked, but saw what I called water, and so it proved upon getting my glasses. I saw the long, regular curve mentioned on the 13th, and, perhaps, the same seen on the 11th. I certainly think it is the open ocean. As from our elevation our horizon could not exceed six miles, I feel satisfied that the edge of the ice must be within that distance, and as the point of the land came down in the middle of the water it is equally evident that we shall come to the water before reaching the land. As the land now bears S. 60° W. magnetic (about W. by S. true) we have been drifting a long distance to the southeast, or else we are very close to it, for a change of bearing of five points has occurred in fifty-two hours. We have not had wind enough during that time to make any very extensive drift, and our course has been steadily southwest. All things taken into consideration, therefore I assume that we are near land and water, and I decide upon resuming our march after dinner, to head W. by S. directly for both. During dinner (1.40 to 2.20) we saw the moon for the first time, I think, in two months, and what was more satisfactory we saw a seal in a lead near us, and Mr. Collins shot him, while the dingy this time got him before he sunk. Upon resuming the march at 2.20, therefore, we headed W. by S. (true), and I directed Mr. Dunbar to take Anequin with him and go ahead a prudent distance to see whether we were really approaching the open sea, without paying attention to the movements of the sleds. I was certain that Mr. Dunbar and Anequin could go three miles while we were advancing half a mile, and from this three miles a better view could be obtained, and a more correct opinion formed as to its remoteness. If the water were only six miles off, going three miles toward it would permit a very accurate estimate of the remaining distance. Mr. Dunbar carried a rifle and ammunition and some pemmican.

By 5.50 A. M. we had advanced everything three quarters of a mile, and then had come to a smooth place for camping, the only suitable place except one at a much greater distance than I thought we could make in reasonable time. Camped therefore and very fortunately, for no sooner were the tents pitched than it commenced to rain steadily. The wind had backed to west northwest, the sky had become covered with clouds generally in north and south lines.

The seal comes in splendidly for two things,—food, and grease for our leaking boots. Before camping I had Iversen break off from boat-hauling, and set to work on the preparation of pussy. Removing the backbone and blubber the meat was cut up into small pieces for convenience in stewing, and the amount, twenty lbs., proportionally divided among the five tents. A similar division was made of the blubber, so that I am sure each man got his share for his food and for greasing his boots. Extra alcohol for cooking (2 oz. of salt), and a potful of broken bread to each tent,—seemed to promise a good supper. At 7.15 A. M. we sat down in No. 1 tent to a simply delicious repast. After our long diet of pemmican the change alone was a luxury. We did not stand upon our ship ideas of hanging the seal up until the animal heat had departed, or keeping it for a few days. The seal was shot at 2.30, skinned at four, and eaten at seven, and we feel as if we had dined at Delmonico's. Our seven thirty-thirds of twenty lbs. were cut up in small lumps, boiled in water, three and one half ounces Liebig added, one pint bread crumbs added to that, and salt to the extent of one ounce, and for a feast I shall long remember it. No. 4 tried to fry their six thirty-thirds, and so very successfully that Melville says the taste was like fried oysters!

At 7:30 Mr. Dunbar and Aneguin returned, and I was informed of the result of their journey. They went about three and one half miles, and Mr. Dunbar says he thinks they were half way to the open water. He was raising it very fast, but the land remained as distant as ever,—that is, he could see nothing but the faint snow curve which we have seen all along. Evidently, then, the land is distant, and may be, after all, one of the Liakhoff Islands. But I thank God that our chances seem so good for a speedy getting afloat, and thus rendering comparatively easy our access to it. Piped down at nine A.M. Called all hands at six P.M.

Weather, curiously enough, bright and pleasant, though from the temperature (34° in the sun) one would expect our customary fog.

Under way at eight P.M. Had "a rocky road" ahead of us with some digging, and, though we crossed several leads, but one bridging had to be done.

CHAPTER XIV.—BENNETT ISLAND

16 July—5 August, 1881

Nearer View of the Island.—A Narrow Escape from Drowning.—Open Water in Various Directions.—Crimson Snow.—Perplexing Views of the Island.—Land or Water?—Making for the Land.—Impassable Roads.—Needle Ice.—Walrus.—Rotten Ice.—Confusion of the Moving Ice.—Clear Weather and New Views.—Recourse to Boats.—Fearful Work.—The Constant Change of the Ice.—Drifting Away from the Island.—How Relief is called.—Sudden Discovery of a Cliff.—A Rush for the Island.—A Terrible Landing.—Taking Possession of Bennett Island.—Plan of Operation.—Assignment of Work.—Geological Foundation of the Island.—Tidal Observations.—Reconnoissance by Mr. Dunbar.—Coal on the Island.—Mr. Chipp sent on an Expedition.—Return of Mr. Dunbar.—His Report.—Disagreeable Weather.—Return of Mr. Chipp.—Record made for Deposit.—The Cold Storm.—Shooting of Dogs.

July 16th, Saturday.—By 12:30 a.m. we had made a good mile from our camp, and halted for dinner. The weather continued bright and pleasant, and a few cirrus clouds were all that could be observed. The island shows more plainly than yesterday, but no water could be seen. At two a.m. resumed our march, and advanced everything another good half a mile by 5:30 a.m. Here there was but a poor place to camp, and, as I was closely occupied with getting sights, I sent Mr. Dunbar ahead to choose a place. He informed me that a quarter of a mile ahead there was a good place, and that, though there had been several leads open, they were not closed, and we might sled right over. I gave the order, therefore, to go ahead, and returned to my work of a Sumner. As I have to carry my instrument box on a dog sled, my movements and those of the sled do not correspond, and I generally have to send to the rear to get my box brought up, and keep by it during the interval between sights to prevent it getting out of my reach. Mr. Dunbar had gone ahead to get a good hummock to look for the water. Much time elapsed without Melville coming back for the second fleet, and I could not understand why. Finally I rushed ahead, with my sextant in one hand and my artificial horizon in the other, and at least found the cause of the delay; the ice had opened again, and left us in a fearful mess. The dog sleds had got over and discharged, but could not get back, and Melville was trying to get his two sleds out of the snarl in which he found himself. I saw we were in for a time, and so it was; for not until nine a.m. did we get all our traps into camp, requiring three hours for what we expected to do in one. However, we are consoled, for Mr. Collins shot a seal meanwhile, the dingy got him, and we have another luxurious supper ahead.

Previous to getting sights, I had a mishap which was annoying. Going to the top of a hummock to take a look at the land, Mr. Dunbar and I had to go out of the road and jump some rather wide openings. Going was all right, but jumping across a four foot opening the ice broke under me as I jumped, and I went into the water up to my neck. My clothes held me up for a moment, and Mr. Dunbar grabbed be by the hood, as he thought, but by the whiskers principally, as I realised, for he nearly took my head off. My knapsack was away to the fear, and I sent Johnson back for it when I reached the dingy. However, I soon got dry clothes on, and, thanks to the bright sun, my wet ones were soon drying. By capsizing of a dog sled we lost 270 pounds of pemmican. Mr. Newcomb shot a bird new to us,—a Mollemokki. The event of the day, however, was the seal,—a fine, large, fat one, giving us food and boot grease. Not much less in importance was the appearance of a walrus,—the first one seen by us in a very, very long time. Though fired at and hit by Mr. Collins and Nindemann, he remained under water finally after many reappearances.

The land showed somewhat plainly today, but I could seen no water. Mr. Dunbar thinks he saw it, about seven a.m., to the left of the land, but I do not think he was right.

Supper at 10.15 a.m. Our seal was simply delicious. As it was so late (11:05) when we had finished supper, I concluded to sit up for a meridian altitude, which, when obtained, gave me 76° 41' N. for our latitude, agreeing fairly with my Sumner, roughly plotted as it was. I shall now work my first sight over, with this correct latitude, and see our exact position.

As we have started the lashings of No. 1 sled, and as, in anticipation of rough roads ahead, I have concluded to lighten its load anyhow, we have some work ahead of us before our next march, and shall probably make a late start; I therefore, on piping down at 11.15, ordered all hands to be called at eight p.m. Wind light northwest; barometer 30.40 at 40°; thermometer 31°; sky beginning to cover with cirrus and cirro-cumulus clouds.

Called all hands at eight p.m.; light west breeze, overcast sky; breakfasted at nine p.m. Chipp was discharged from the sick-list and returned to duty. This relieves Melville, who now takes charge of the road and bridge making, in place of the doctor, who now becomes a reserve.

Set to work repairing and lightening Nos. 1 and 2 sleds. Sent Mr. Dunbar ahead to flag out, and upon his return he told me he had seen the water. I now was able to see it from a hummock alongside the camp, and it was to the right of the island. The island itself was much plainer in sight than ever. I am again in hopes that we have made another discovery.

Working my longitude over with correct latitude, I find we are in 76°41'N., and 153°30'E. Soundings, twenty-three fathoms—mud.

The brings me along to—

July 17th, Sunday, upon the arrival of which we promptly sat down to dinner. Turned to at one a.m., and started ahead, ing Mr. Cole and a sled crew to finish ng and bring No. 4 sled. At two hun- d yards from camp we had some bridging to do, and five hundred yards further some more serious. However, Melville managed it well, and Chipp lost no time in jumping things across, and we finally reached a stretch of hard ice, over which we could make good time, so that, by 6.45 a.m., I am satisfied we had made one and a half miles good. We then halted and camped.

During our march, from the top of a hummock we saw the water to the right and left of the island, and on the right, through spaces between hummocks, we could see it continue for a short distance. Believing we were close to it Mr. Dunbar went ahead one and a half of his miles, and kept raising the water very fast. From his turning point, he says he thinks the water about twice as far as he went, making its distance four and a half miles. After he returned we advanced half a mile more, so that, upon camping, we ought not to be more than four miles off. The land seemed as distant as ever. He says the ice is very much better, much of it being smooth and of last winter's growth, and thinks in two days we can reach the water. But we shall see.

To-day I saw some faint "crimson snow" and several pieces of muddy ice. A very curious seal trick came to light by my breaking through the ice. He had two holes leading from the sea connected by a covered way under the snow and thin crust. I suppose it was to give him a resort in case a bear headed him off. On the ice, by one hole, was a cavity in which the seal had lain and bbed the shedding hair off his skin.

upper at 7.45 a.m. Divine service at 8.30. ed down at nine. Called all hands at six .m.; breakfasted at seven p.m. Under way at eight p.m. About one quarter of a mile from the camp we came to our first opening in the ice, which, simple enough for the leading dog sled, became very difficult for the heavy sleds and boats, because of a sudden widening. Two other leads beyond widened also, and altogether we had a very delicate amount of work, requiring much care and attention.

Anxious to see what Mr. Dunbar saw before camping, I hastened forward with him to the same high ridge at which he stopped, and which commanded a good view. Here, to my unpleasant surprise, I could see land enough, but no water; and though Mr. Dunbar averred he could see water with streaks of ice in it, I felt inclined to think it was an effect of refraction. After undergoing many kaleidoscopic changes, I began to believe it had settled into land and water, both. The whole back curve remained as a dim outline, but lower down there were apparently dark cliffs and snow patches, but infinitely less distinct and regular. The more I looked the more confused I became, and Mr. Dunbar was nonplussed. At one time I was ready to declare that nothing but ice extended to the land; at another, that the land was very distant, and that we were near an open ocean, with pieces of drifting ice; and again, that mirage had raised and inverted ice hummocks and small peaks, and that there was neither land nor water. This last I abandoned, however, because the light curve above had been too often seen and too ell maintained its regularity to be an fect of refraction. I sat and studied this ning for an hour, watching every change carefully with a glass, and I finally made up my mind that part of the dark looking mass was land, but that the lower strata was certainly water. I decided, however, to send Dunbar and the doctor ahead after dinner, to look nearer and speak more surely. Turning back to see what kept Chipp and the boats behind, I learned of the serious ice-openings, and, having got everything advanced a good three quarters of a mile since breaking camp, I halted at midnight and prepared for dinner. Just then Mr. Collins called out to me, "Captain, is that land or water?" Looking south, where he pointed, behold there were some more uncertainties. Was this land or water? If land, then we had seen no water west. If water, then our only land west was the faint curve drawn above and very distant. I was fairly staggered, and Mr. Dunbar looked as if he had been dropped from the clouds. It was a confusing moment to me. The south appearance indicated much greater distance, and if I made for it a S.E. wind might spring up and drift me away from it faster than I could go toward it, and I might, by going to the westward, reach the land or water before a southeaster set me away from it. I decided to await the result of the trip of Dunbar and the doctor.

July 18th, Monday.—At 12:50 a.m. ahead went those two gentlemen, and at 1:15 a.m. we moved along with our effects. After crossing two small leads we struck a long piece—two miles—of smooth ice, made last winter, and got along splendidly. Next to the smooth ice was a long floe of hard, older ice (two miles), and I was beginning to contemplate a good day's work when some unexpected openings occurred among the last winter's ice and threw us back somewhat, and, in consequence, when I halted and camped on the old ice at 5:40 a.m., I think we had barely made two miles good since our breakfast.

The weather had remained pleasant. The sun was frequently obscured, and enabled us to dispense from time to time with our snow-glasses, to the great relief of many who have difficulty in wearing them. Light west airs, the clouds having a slow motion from that direction.

At six a.m. the doctor and Mr. Dunbar returned. They had gone, they thought, four miles ahead of our dinner-camp, and from there had concluded they saw no water at all, but all land; and, though they could form no estimate of the distance of the land, they thought the ice extended to its base. This is slightly different from the "open water in two days," but it cannot be helped. After mature consideration, I have decided to keep on heading for the land for several days yet. From the manner in which we have raised it in two days, I hope it is less distant than supposed; and, as the appearance south can no longer be seen, it is evident that the land west is the nearer. Chipp says he saw a similar appearance north this morning.

If we can get on this land, we shall, at all events, know that we are stationary, and that the wind will not carry us around aimlessly. Unless the Liakhoff Islands are incorrectly charted, this land is not one of them, for the northern point on the chart is still south of west considerably of our position on the 16th. If there ever was open water north of these Liakhoff Islands, as stated by Wrangel, Anjou, and Hedenstrom, we may get to it from the south side of this land. "A bird in the hand is worth two in the bush," and I will head for what I can plainly see, instead of bearing away across a shifting sea of ice for something which I cannot see.

Supper at 6:30 a.m. Piped down at nine a.m. Called all hands at six p.m. Breakfasted at seven p.m. Bright and absolutely cloudless. Thermometer 31°. Temperature inside tent No. 6, 48.5°. Under way at eight p.m., and immediately had a stretch of three fourths of a mile, over good ice, bringing up at a lead two hundred years wide. In this we secured a large floe piece, and having everything on it by 10.15 p.m., we ferried across. Then we had a mile of splendid going over smooth ice, and when we halted for dinner at 12.30 a.m.,—

July 19th, Tuesday, I am sure we had made one and three fourths miles good, over a west and north (true) course. The weather bright and sunny, a few cirrocumulus clouds only having appeared in the northeast. The wind remained at south, and seemed inclined to freshen. The land was in plain sight, and though I was so puzzled yesterday, I am not satisfied yet that there is no water.

Turned to at 1:50 a.m. and went ahead. For two miles we had a good road, and then we came to a fearful mess of small ice lumps and water, with a rare large block. It was the kind of ice over which one might walk, but dragging anything was out of the question, while a boat would be knocked to pieces. Some fearful disturbance has occurred here at some time or other, and huge blocks have been reared up on end, and at all angles. Traveling looks something like this:—

In vain I climbed up several large hummocks and kept Mr. Dunbar running around in quest of a better place for crossing. Melville had already commenced the herculean task of digging away some of these huge slabs to level a road, in case we could manage the water-gaps, which seemed almost impossible, when the doctor said he had seen what he thought a better way of crossing farther to the northward. We hastened to the spot, and by some work and management, I think we can get across this mess and on the level ice beyond. But it was now six a.m. and our usual supper time and we had made nearly four miles. The work of crossing would probably require three hours; so, instead of continuing at once, I decided to get supper first and proceed afterwards. I am too anxious to leave this mess behind us, to camp on this side of it, and though we have made a good three and one fourth miles already, I must kept the men at it for a little while longer. The barometer is falling rapidly, 29.95 at 44°, and though the temperature is 31°, I anticipate a S.E wind, and do not want to lose the grip I almost feel I have on the land.

The action of the ice in formation is nicely shown by blocks of wasted (needle) ice, which we pick up and can pull in pieces. The doctor called my attention today to the distinct manner in which the hexagonal prisms were visible, and the vacuole, as well as the lines of successive freezing. The formation is like that of muriate of ammonia, or the basaltic columns in Fingal's Cave. The blocks can be easily separated, flake by flake, vertically and at each freezing line horizontally. (See Appendix G.)

By 7.20 a.m. everything was up to the edge of the rotten pack, and we sat down as soon as possible to supper. The sky remained nearly cloudless, and the sun shone brightly. As everybody was complaining of the heat, I exposed a thermometer to the sun, getting 35°. At 8:40 a.m. turned to and set to work, and from this time to three p.m. we had the hardest time we have had yet. Such a mess of loose cakes, rotten ice, water holes, and pack ice I have never seen. We tried everything, bridging, road-making, and finally, by means of rope, to join the moving mass together. Everything succeeded for a few moments, and then came to nothing; and it was only by rushes and jumps and risks that we got everything on solid ice and camped.—four and a quarter miles good. Towards noon clouds rose rapidly from the southward, and covered the sky so as to prevent my getting a latitude, which I very

much desired. Called all hands at eleven p.m., and at midnight sat down to breakfast. Soundings in twenty-two and one half fathoms.

July 20th, Wednesday.—Hard as our work at last night I congratulate myself that it was not left till this morning, for we have a thick fog, which would have made our task an impossibility. Temperature 21°; due to the evaporation, for the pools on the ice show not the slightest sign of freezing. Pound Foxy dead in the water. He probably had a fit and fell in.

Got under way at 1:30 a.m., and though our work was not so difficult as yesterday, it was still sufficiently trying, and by the time we had succeeded in getting all our things across the one half mile intervening between the hard ice on which we camped and the long level plain beyond, it was six a.m. and I decided to go no further. Tents were accordingly pitched and preparations made for supper. While loading the first detachment of sleds on a cake of ice for ferrying, we were surprised by seeing a walrus come up alongside us, and apparently intent upon getting on our cake too. Mr. Collins hurried along with his gun and fired at him, hitting him near the eye. Down went the walrus, and we thought we had seen the last of him. Soon after, however, we heard a sound of hard "blowing" to the northward of us, among the fearful mess of broken ice, and looking along in that direction, we could see large patches of blook on the ice where it had been ejected in breathing. The doctor at once set out on the hard ice to the west, and Mr. Collins on that to the east, while I sent Mr. Dunbar along to the scene. Soon I heard a shot and a cry for a rope, and then four more shots, and, in fine, we killed him and secured the game.

While the doctor was firing at him the walrus was in the water, and, no doubt, if he had been killed at once he would have sunk, but while stunned for moment, Mr. Dunbar cut a hole in a flipper with a knife, and rove in it the doctor's belt, and then one more shot finished him. We hauled him down to camp. He was a young bull, from 1,200 to 1,500 pounds in weight,—more meat than we and the dogs can eat under the circumstances. The choice parts, tenderloin, sirloin, heart, liver, brain, and flippers, will more than suffice for three meals for us, and the dogs may eat all day if they like. The skin will be cut up into pieces and divided for boot soles. The tusks go to Mr. Collins, one of which he gave to the doctor. In the walrus's stomache there were shrimps and small fish like smelt, and numerous sea anemones or sea cucumbers(?).

Fog cleared away about four A.M., but weather remained cloudy and dull. No land in sight up to seven A.M.

We found our walrus stew excellent. It was not as good as stew, the meat being coarser and not so sweet. We shall repeat for breakfast, and carry as much as we can conveniently in the dingy. Piped down at nine a.m. Called all hands at six p.m. Nothing visible on account of fog.

Breakfast should have been ready at seven p.m., but as both our supper and breakfast were cooked by burning blubber, much longer time was required, and it was not until 7.45 that we in No. 1 sat down to our meal. The saving in alcohol has been effected at the expense of time.

Under way at 8.30 p.m., and after advancing three quarters of a mile over our course, W. and S. (magnetic) we came to a broken and confused mass of water and ice, much resembling our recent serious experience, and here I halted the leading sleds. Two of our McClintock sleds had received some hard usage in our troublous trip over the "mess" on the 19th, and needed relashing, and the dingy sled was cripped, one runner being doubled under entirely. Ericksen's dog sled was also hors de combat, and much work was thus in readiness for Sweetman. This delayed us considerably, for I could not attempt to cross the rotten and ugly mess before us with crippled sleds, and I dared not leave anything behind me.

At eleven p.m. the wind had got to N. E. and commenced to blow. Rain fell also, and seemed likely to fall for some time. The ice in the opening (one quarter of a mile of lumps, hummocks and floebergs) commenced moving, and I began to fear it was now impossible to cross. Altogether it was a dreary prospect. Everybody was getting wet. We could not advance over a living, moving, rotting pack, and the increasing wind promised a gale. So I concluded to pitch the tents where we were, as a shelter, and get dinner.

July 21st, Thursday.—At one a.m. the tents came along, and the cooking stoves, and while the cooks pitched camp and prepared dinner, Chipp took the rest of the men back and brought forward the dingy, with walrus meat enough for supper. At two a.m. dinner was ready, alcohol being used as fuel. Rain still continued in squalls, and the ice in front of us was moving before the moderate northeast gale. Clearly this was a case of a lost day, and I accepted the situation.

At 8:30 a.m. the land showed quite plainly between W.S.W. and a half W., and W. by N. Soundings in twenty-two fathoms, and a rapid drift W.S.W. (two points to right of leeward). Supper at seven a.m., and as our bags were the most comfortable things we had at one disposal, we in No. 1 crawled into them at eight a.m. Piped down at nine a.m. During the sleeping time the wind tore around our tents in fierce gusts, threatening to pull them out and whirl them away. Rain fell from time to time. Called all hands at six p.m. Breakfasted at seven p.m. Ice still moving in the lead. Land in plain sight, and much nearer too, extending from S. 87° W. to N. 56° W., both magnetic. Wind strong from east, but moderating somewhat.

The confusion before us was such that I dared not risk trying to cross anything. Large blocks, small lumps, and floebergs were moving along to the southward, and occasionally a large piece, seemingly free, would suddenly be shot up in the air as it was squeezed by larger ones, or its submerged portions became freed from overriding masses. If one of our sleds had been caught in such a predicament, or one of our boats, the result would not be doubtful. The wind seemed inclined to freshen again, and going ahead was out of the question. A quarter of a mile of this living, moving ice would hold a Goliath back.

Looking further north we saw the most promising place yet, which seemingly offered an easy transit across the narrowest part of this ice channel. Sending Mr. Dunbar ahead to pick out the road, I hurried back to bring up the sleds, and at 9:35 P.M. we commenced our first forward movement. Some little pickaxe work gave us a fairly good road, though three jams were threatening to relax and leave water gaps every movement. In fact, hardly had we got the boats through than one of them opened. Meanwhile, a cold fog had shut us in and hidden the island from our sight.

July 22d, Friday.—As but one sled or one boat could be hauled at one time through the passageway above described, it was one A.M. before our last boat was through, and we halted for dinner. We were on a good piece of hard ice, lumpy, but giving fair traveling. This was separated from a much larger piece of hard, old, smooth ice by another ugly mess, which we could get over if it held together; but it was threatening to open at any moment.

Before dinner I had sent Melville forward to cut a road, which was done, and by great good fortune at 2:20 A.M., when we turned to, we got everything through without trouble. Before us there lay a mile of excellent going, which we took so well that at 5.45 A.M., when I pitched camp, I felt satisfied that two miles might be scored as made good from our starting-point at 9:35 P.M. yesterday.

Dunbar and I had gone half a mile further ahead on hard, smooth ice (after passing a ridge at which we camped), and were then brought to a stand by some more confused mess, across and beyond which the fog prevented us from seeing. Though we might have gone as far as this before camping, I preferred to have a clear stretch at first for our next move, hoping to see the land meanwhile, and perhaps change our course to more favorable ice. Saw several murres, one loon, and many gulls. Walrus meat again for supper, and then, except his flippers, we have eaten all the choice parts. Our dogs have literally gorged themselves on the remainder, and some of them are too fat for comfort.

We are, thank heaven, rid of the wet, slushy travel which tried us so long. So many holes have been made through the ice, either old seal-holes or places where mud had collected, that the surface snow in melting has drained off, leaving good, fine, hard traveling. Our only enemy now is an ice-opening, and unfortunately this occurs frequently.

Piped down at nine a.m.; called all hands at six p.m. The sun shining brightly, though much fog around the horizon prevented us from seeing the land. Under way at 8:10 p.m., and made good time over the mile of smooth ice which lay before us. At the end of this mile we came to some trouble; a mess of loose pack, fifty feet in width, and some rough ice beyond, separated us from hard ice one quarter of a mile distant. However, we made a flying bridge, or ferry rather, and by 12:10 a.m.,

July 23d, Saturday, had everything across in safety on the hard ice, and halted for dinner. Turned to at 1:20 a.m. and went ahead. The fog seemed inclined to lift, and we could see a point showing which, from its bearing N.40° W. (magnetic), I judged to be the point which yesterday bore N. 56° W. (magnetic). Shaped a course to carry us to the left of it. We came to some good hard ice again after crossing one bad mess, and I hurried along a good mile and a half to a high ridge, to watch with Mr. Dunbar the reappearance of the land. Upon the ridge we began to see a headland working out from the fog, and bearing N. 84° W. (magnetic), and apparently good ice leading to it. Almost calm at four. At 5:40 a.m. halted and camped, having, I consider, made an advance of two and a half miles west northwest since breaking camp yesterday evening.

The fog now almost uncovered the island and enabled me to determine that the land was one island and not two, as I for some time supposed. The bearings of its extreme points were S. 82° W. and N. 27° W., both magnetic. Other bearings will appear in the sketch which I have directed Mr. Collins to make. I do not think it is now five miles distant, and a long, low point of land, sloping to the ice. I think somewhat nearer. Magnificant weather, calm and cloudless, save for a few streaks of cirro-stratus clouds. Sufficient mist and fog rest over the top of the land to hide whatever is in the background; but several have said they saw high rolling land back from the cliffs, which are shown in the sketch. Broiling hot sun, though the

thermometer reads 27°. Got a Sumner, and determined our position to be in latitude N. 76°40', longitude E. 151°25', a change of position since the 16th of twenty-eight and a [illegible] miles to S. 88° W. Soundings, twenty [illegible] a half fathoms; rapid drift to westward.

Piped down at nine a.m., but I remained up until noon to get a meridian altitude; latitude resulting 76°39'15". So my Sumner was very nearly exact. In fact we are drawing in so rapidly upon the land all the time that I dare say my Sumner is quite exact. Called all hands at six p.m.; under way at eight p.m. Bright, nearly cloudless weather, an appearance of land to the southwest.

Before getting under way got fresh bearings. The extreme points were found to bear as follows: S. 87° W. and N. 18° W., both magnetic, and the low point at which I headed, west (magnetic). Though the weather was bright and pleasant, a fogbank was in the eastern horizon and threatened to advance upon us. In order to give this new island a chance to see the "Stars and Stripes" before the fog shut in, our colors were displayed.

For one and three quarters of a mile we advanced over a good road, and then came to an opening with large and small blocks of ice, but yet water enough to permit a ferry. The ice was all in motion, and as everything might change favorably before we were ready to cross, no useless labor was indulged in by getting ready bridges or ferrying pieces. At 11:50 p.m. all our sleds and boats were up. At ten the fog had covered us and shut in the land, while an easterly breeze sprang up that changed our sensations from those of uncomfortable heat to those of uncomfortable cold, though probably the temperature remained unchanged.

July 24th, Sunday.—At 12.20 a.m. we sat [illegible]wn to dinner by the opened ice. Some [illegible]le excitement was created by the appearance of a seal, which Mr. Collins killed; but it sank before the dingy could reach it, and thus our luxurious supper faded away. At 12.50 a.m. turned to; the ice had been alternately moving east and west during dinner, but had now subsided, leaving a lane fifty yards wide of clear water between us and a neighboring hard floe. I at once decided this to be a case for floating boats, and as soon as I had run a line across in the dingy, and Mr. Dunbar had secured its end, the boats were in turn drawn over. The first cutter upon arrival was emptied, and used to ferry dogs, dog sleds, and loose packages, and in one and a quarter hours everything was across, then we proceeded for a short distance three quarters of a mile, and were again confronted by an ice freshet. Large blocks were being swirled around and carried first west and then east; leads were opening and closing every moment; water lanes opened now, where a moment before a good road appeared, and such a state of activity as we have not before seen. Beyond this lay a stretch of good hard ice, and better than that a lead of water on our course west (magnetic), and fifty to one hundred feet wide, while extending as far as the fog would permit us to see, which, it is true, was not far. But the sliding, shifting mess, before alluded to, bothered us exceedingly; though there were three dog-sled trips for each sled, and four trips for the men, a new way had to be found each time, going and returning, and it was not until 6.40 a.m. we got all things over and camped. Mr. Collins, however, at 6.30 shot a seal, and we know that to-morrow we shall have a seal for supper. The land showed just once, about 5 a.m., and we are seemingly quite close to our point. It still bears west, but hardly had we seen it than down shut the fog thicker than ever.

Supper at 7.30. Divine service at 8.30. Piped down at nine a.m. Immediately after a cry was raised "a bear," and away rushed three or four in pursuit. We soon heard two shots, but at 8.45 a.m. all returned without any game. The natives fired at about one thousand yards, but rather wildly, I imagine. Bruin is described as not very large, (sour grapes?) and of a dirty brown color.

As I was very tired upon turning in, I at first slept very soundly; but towards morning (i.e. evening) I became wakeful. During one of these breaks, I heard two shots fired at some distance. Supposing it to be another wild goose chase, I paid no attention to it, and resumed my sleep; but at six p.m., when Mr. Cole called all hands, I learned that at four p.m. Gortz had killed a bear. Bruin came within five hundred yards of the camp, and Gortz crawled within one hundred yards of him unnoticed, and planted his two bullets with good results.

Fog still continues. Light airs from east. Temperature 28°. What lovely weather for the last week in July! Breakfast at seven p.m. Under way at eight p.m. Start fleet where lead bent to West. Go down it in dingy. Lead closes. Much trouble. Strike hard ice finally, but much difficulty in getting gear up to it. Succeed by 12.45 a.m.

July 25th, Monday.—Sent Dunbar ahead, across an ugly mess. He and doctor go together. Strike hard ice, and at its edge they see low point, through fog, one eighth mile distant, bearing west. Turn to at 1:45 a.m. Very ugly time crossing mess. Little or nothing accomplished in distance by six a.m., our usual supper time. Conclude to work all night. Land suddenly shows plainly, and we seem about one mile from it. Moss plainly seen on the face of the cliffs. Go ahead at eight a.m., and from that time to noon, frightful work: ice opening, swirling, swinging us off from land; separating our things in spite of us. Rain sets in and continues in showers. Get our things together and dine at 12:45 p.m. Getting our reckoning straight at the expense of rest. Under canvas to avoid rain. Apparently we are drawing into a bay making an indentation on south side of island. Rain ceases. Turn to at two p.m.; go ahead. Simply fearful work which I can never forget, and ending at six p.m. in a fog which hid everything. Got on a piece of good ice and pitched camp. Bear meat for supper. Twenty-four hours since we commenced work. Wind S.E. Temperature 30.5°. Tired, cold, wet, hungry, sleepy, disappointed, and disgusted; but ready to tackle it again to-morrow. Piped down at nine p.m. This affords me a chance to return to our natural way of living, working by day and sleeping at night.

July 26th, Tuesday.—during the night I was frequently awake, and could hear the wind getting up, and occasionally the rain pattered down. As I gave everybody a good long rest, it was eight a.m. before all hands were called. I then found a northeast gale blowing, a thick fog, and only unsatisfactory glimpses of the land now and then obtainable. The ice to the eastward of us was all in motion, and much water and drift-ice pieces lay between us and the land. Several of the watch declared that during the night, when they saw the land, it was much nearer than when we camped; and Mr. Collins, who turned out during the night, said we were in front of the valley, and he could see clear water between us and an ice-foot, or strip of ice next the land. The situation I think is as follows:—

I think we are far enough under the lee of the point east to escape drifting with the ice pressing down along the island, and passing the point east, even if we are not in an eddy so created, and thus pushed in closer to the land. As nothing can be seen clearly, it would be folly to move into a probably endless confusion, and I shall therefore wait until some plan can be safely carried out.

I do not think I shall ever forget yesterday. Such a time of difficulty and vexation can be experienced nowhere else. Such a shifting of ice and opening of leads! Hardly had we commenced to move our things along what seemed a fair road, than the road broke up, ice broke under us, ice slid away from us, ice moved to the right, when we wanted to go to the left, and vice versa, and each installment of provisions got safely across was considered by me as barely rescued from destruction. And all this time the land, not one half mile off, was tempting us by its solidity, and appealing to our desire for rest by its moss-covered hills and slopes. At eight a.m. yesterday, when we concluded to go on, and worked for twenty-four hours, so many good roads, each leading seemingly directly on shore, presented themselves, that I was embarrassed in a choice. In fifteen minutes they had fallen to pieces, and became puzzling masses of ice and water. There was no question that when I gave it up at six p.m., everybody was used up, and could not possibly have gone further. Everybody was wet up to his knees, stiff legs and cramps annoyed us until we had been an hour or two in our bags, and we were too tired, in fact, to get the rest we stood so much in need of. However, we are all right again this morning, and none the worse off, better off, in fact, for if we had not put in the twenty-four hours in full we should have been out in the heavy drift ice, and probably miles away from the land by the time this gale is over.

At noon the fog broke away and showed the land for a few moments. We were exactly as I had supposed and indicated by the sketch on the preceding page. The pressure of the ice in swinging off the east point has backed us in toward the bay, and between our floe and the land there is about two miles of water nearly clear of ice. Jammed against our floe are a number of large blocks and hummocks, offering serious difficulty to any attempt to launch our boats. On the off side of these hummocks the sea is breaking considerably. The wind tears around us in fierce gusts. No. 6 tent has been twice blown down. We shall see what the state of affairs is after dinner. Dined at 12:30 p.m. luxuriously on bear stew.

By 1:30 the land was again in fog, and otherwise the situation was as before. My desire was to go ahead, but prudence told me to wait until the weather moderated. The barometer is still falling, the rain beats down from time to time, and nothing can be seen through the fog. I decide to wait for an improvement, and then I shall push on in the second cutter and try to land some provisions.

Soundings in thirteen fathoms; no drift indicated. Our ice is evidently jammed tight. Probably at the first chance the loose hummocks now pressing against it will slack off and leave us place to launch our boats, even if our floe piece does not go bodily in toward the land.

During the afternoon the ice scene was constantly changing. At one moment ice seemed to reach from our floe to the land; at another time lanes of water were seen, and once our floe was left as an island, while it would have been possible to launch a boat and reach the shore. I confess I was tempted to try it, but I realized that the whaleboat could carry nothing more than her crew safely until her garboards were repaired, and that it would take six or seven trips of the two other boats to carry our efforts. The whaleboat has leaked badly each time she has been floated, and the weather

to-day (the first chance for repairs) has been such that Sweetman could not handle his tools. Before I could have got one boat in the water ice shoved in between us and land, and we were once more helpless. It seems as if Providence were directing our movements, for the floe upon which we camped last night is the only large piece of ice to be seen; all else is confusion and trouble. Had I gone farther, or stopped short of this place, it is hard to say where we should be now.

We are moving west slowly, about a mile or a mile and a half from the land, and are now (seven p.m.) abreast a large glacier, whose broken edge (it may be twenty feet high) we can see with a glass. I have watched carefully all day for a landing-place, but not one has shown. The coast is either steep cliff or glacier, and neither is a successful landing-place. The barometer is now at a stand,—I think 29.63 at 33°,—and, though rain is occasionally falling, and the sky is dark and threatening where the fog does not hide it altogether, I am in hopes the weather will improve during the night. Supper (bear stew) at six p.m. Piped down at nine.

July 27th, Wednesday.—Called all hands at six. Breakfasted at seven. The wind has veered to E., and is dying away. A thick fog continues, hiding everything fifty yards distant. The barometer is rising,—29.67 at 36°, the temperature is 28.5°, from which two things I anticipate clearing weather. Meanwhile, we remain where we are. "Hope deferred maketh the heart sick." Patiently and hopefully have I waited all the forenoon for a clearing, but still, at one p.m., does the fog hang about us impenetrably. The barometer still goes up (29.72 at 35°), and the temperature is 30°.

Soundings in sixteen fathoms water, and I am afraid we have drifted down abreast the joint west, and are too far west to hope for any benefit from the bay in which yesterday we shoaled our water to thirteen fathoms, in which case we are now beginning to open the west face of the island. This will be the last forlorn hope for open water in this neighborhood.

And yet there is much to be thankful for; everybody is in excellent health, in spite of our terribly hard work; the appetites are something wonderful to thank of, and our sleep is sound and unbroken. Forth-one days of our march over the frozen sea have had no bad effect. Our bear is so nearly consumed that for supper we have only half our usual ration to serve out. (In five meals we have eaten about 250 pounds bear meat. The gross weight was probably 450 pounds.) The only trace our marching shows on us is tender feet, and that probably arises from their being so often wet. Wading through pools would make wet feet if our foot gear was changed every hour.

Chipp described to me the queer way in which the man on watch "calls" his relief. Instead of calling him, which would make everybody else up, or of crawling over to him, which would also waken everybody, a boat-hook is employed. Chipp says, while awake the other night he saw, to his amazement, a boat-hook slowly coming through this tent door, and poising a moment over Sharvell, poke him vigorously in the back. To show how soundly the man slept, it is worthy of mention that he merely tried to brush it away, as a troublesome fly. This ought to make a good Arctic sketch.

At six p.m. had supper. At 6.45 the fog lifted a little, and showed us the land, seemingly about half a mile off. We have drifted along ashore since last evening, and have left on our right hand the glacier which we were in front of last night; but ahead of us, and apparently extending in to the land, was a very heavy floe of blue ice, separated from us by a few insignificant openings. Such a chance was not to be lost. All hands were at once turned to, and at 7.15 we went ahead with all four sleds, officers dragging also, and then bounced along the boats, and in one hour we had everything on the heavy floe. This we now found to be one and one half miles in width upon going over it, and we were still separated from the land by a half mile of broken ice, water lanes, etc. I at once made up my mind that it could not be done to-night, and that I had better devote a day to it.

The wind had veered to E. S. E., was blowing fresh, and rain began to fall steadily, and when, at 10.45 p.m., just inside the blue floe edge, I gave the order to camp, I think I did a very prudent and sensible thing.

July 28th, Thursday.—Called all hands at seven. Breakfasted at eight. Windy (E.S.E.), foggy, and disagreeable. Land in sight at times. We have gone a short distance to westward. Temperature 29°. Under way at 9.50 a.m. Sent Mr. Dunbar ahead, and after a while we succeeded in crossing the broken ice which had stopped us last night. Here we had a small floe, across which we speeded. The fog now shut in impenetrably, and I feared we were in for a troublesome time. Mr. Dunbar returned, however, and informed me, that after crossing this floe we should find large ice blocks, with only two-foot openings, and that these extended to the ice-foot, or fast ice, and that, moreover, he had climbed up on the ice-foot, and advanced one hundred yards over it toward the land. This was too good a chance to lose, and away we went. But though we made all haste, and got over our last ferry, and across the small floe in splended time, when we reached the further edge we found everything fallen to pieces, and more water and rapidly moving ice than we could undertake. Much of the moving ice looked like small bergs broken off from a glacier foot, and from the rounded lumps of ice on top, and their almost straight edges, I am inclined to think they were icebergs. By 12.30 p.m. we had everything up to the floe edge, and halted for dinner.

The sun now tried to break through the fog, and I hoped for a clearing; but at 1.30 p.m., when we turned to, the fog was as thick as ever. The situation had improved somewhat, for another floe piece had now come along, and a few loose pieces offered a convenient bridge. Away we went, but the floe piece was a small one, and we soon reached its edge. Here was another confusion, but we could make out a larger floe ahead. Everything was embarked on an ice-cake for a ferryboat, and a hauling line run to the floe. By great effort we got our piece clear by four p.m. and commenced to haul over. Suddenly everybody gave a shout, "Look!" Away up over our heads 2,300 (?) feet towered the land, and we were sweeping past it like a mill-stream. Hurriedly sounded in eighteen and one half fathoms. Soon our floe was reached. Away we jumped our sleds and boats, and, seeing two or three large cakes nearly together, ran everything rapidly over until we at last stood at the base of the ice-cap. It was a narrow squeeze, for the men with the tents and remaining loose provisions on their shoulders had hard work to run fast enough to get on the last cake before the other cakes were swept away. Now that we were on the last cake our situation became critical. We could not get up on the ice-foot, for ten feet of water and small lumps intervened, and we were sweeping along by it at the rate of three miles an hour. Our cake was none of the strongest, and in the swirling and running masses, and small bergs, I feared we should be broken up and separated. It was an anxious moment. The southwest cape of the island was not half a mile away, and this was our last chance. Over two weeks of dragging and working to reach this island seemed about to be thrown away. I soon noticed our cake begin to turn around, and saw that it might be whirled into a kind of corner against the fast ice, where, if it remained long enough, a landing might be effected. "Stand by," was the order now, and with sled ropes in hand we waited the trying moment. Soon our cake caught and held. "Now is the time, Chipp!" I shouted, and away we went.

One sled got over on the rough ice-foot all right; a second nearly fell overboard; the third did fall overboard, dragging in Cole; and a piece of ice had to be dragged in by sheer force to bridge for the fourth. When I started the St. Michael's sleds, they seemed to stick somewhere. Watching our cake closely, I saw signs of its giving way. "Away with the boats!"—but how? Nindemann sang out, that he thought we could float the boats below, and haul them over. No sooner said than done, and down they went into the water. The men were hurried from the sleds to the boats, and I saw the first cutter just beginning to haul out, when away swept our ice-cake, carrying Melville, Iverson, Aneguin, and myself, with six dogs. Wilson had carried one load of dogs over in the dingy, but he could not get back for the remainder. Chipp was on the ice-foot with the boats, and I knew he could look out for them, and I felt pretty certain we had saved everything. For ourselves, on the drifting ice-cake, I had some little anxiety, but one corner of our cake fortunately soon after drifted near a fast berg, and by making a flying leap through the air, we escaped in safety. At last! But though standing still, we were not ashore. The ice-foot extended out from the land, and was a confused mass of piled up ice-blocks and ridges,—honey-combed, cracked, and broken,—and presenting a simple impassable road for travel with sleds. Glad enough was I to get a solid foothold anywhere, and I gave the order to camp at 6:30 p.m. (our first sled having got on the ice-foot about five), everything being hauled in as near to the land as possible, say fifty feet from it. Rocks were occasionally slipping down and falling into a little stream of water at the foot of the cliff, the stream being where the thawing of surface ice has left a channel about four feet deep.

The face of the cliff was literally alive with dovekies. Supper at 7:30 p.m. At 8:30 p.m. all hands were called to muster and, led by me, everybody waded, or jumped, or ferried over to the land, where we held on as well as we could to the steep slopes of debris, while our colors were displayed. When all had gathered around me, I said, "I have to announce to you that this island, towards which we have been struggling for more than two weeks, is newly discovered land. I therefore take possession of it in the name of the President of the United States, and name it Bennett Island. I now call upon you to give three cheers." And never were three more lusty cheers given. With great kindness three were then given to me.

I now change the date to the correct one, and record that at 8:30 p.m.,

July 29th, Friday, I added Bennett Island to American soil. Our landing cape I named Cape Emma. Piped down at nine p.m.; fresh E. wind, thick fog; ice off shore rapidly moving west. The birds kept up a fearful chattering all night, but we slept well in spite of it.

EXHIBIT 4

GEOLOGICAL SURVEY No. 187 SERIES F, GEOGRAPHY, 27

nett; island, in the Arctic ocean, north e New Siberian islands. Discovered by ong, in 1881, and named by him after Mr. James Gordon Bennett.

Henrietta; island, in the Arctic ocean, north of the New Siberian islands. Discovered and so named by De Long in 1881.

Herald; island (856 feet high), east of Wrangell island, Arctic ocean. Discovered and landed upon in July, 1849, by Captain Kellett, of H.M.S. *Herald* and named by him after his ship.

Jeannette; island, northeast of the New Siberian islands, Arctic ocean. Discovered by De Long, in 1881, and named by him after his ship *Jeannette*.

Wrangell; island, off the northern shore of Siberia, northwesterly from Bering strait. The existence of this land was reported by natives, in March and April, 1823, to Baron von Wrangell, who then made an unsuccessful search for it. It was first clearly seen and its shore delineated by Capt. Thomas Long, of the New London whaling bark *Nile*, in August, 1867, and by him called Wrangell's Land. From that date to 1881 it was shown on maps as the south end of a tract extending indefinitely northward and, by some, thought to connect with Greenland across the north pole. Its insular character was established by Berry, in 1881, and since that time it has borne the name of Wrangell island. Possibly Plover island of Kellett, in 1849, may be some peak of this island seen from afar.

EXHIBIT 5

BOUNDARIES, AREAS, GEOGRAPHIC CENTERS AND ALTITUDES OF THE UNITED STATES AND OF SEVERAL STATES

WRANGELL ISLAND

Wrangell Island is in the Arctic Ocean, about 100 miles from the Siberian coast. A harbor in the southeastern part is in latitude 70° 57' N. and longitude 178° 10' W. The island is about 80 miles long and 30 miles wide; its highest point is 2,500 feet above sea level. It was sighted in 1867 by the captain of a United States sailing vessel. In 1881 officers from United States naval vessels landed on the island and claimed it for the United States.[1] According to newspaper reports of October 4, 1926, the Soviet Government had landed a colony of 50 persons on this island, hoisted the Russian flag, and claimed it for that country. An airplane survey is said to have been made and the area found to be 2,925 square miles.

BENNETT, HENRIETTA, AND JEANNETTE ISLANDS

Bennett, Henrietta, and Jeannette Islands were discovered by the DeLong polar expedition and claimed for the United States in 1881, but were only partly explored.

Bennett, the largest of the three, is about 300 miles from the mainland of Siberia, in latitude 76° 38' N., approximate longitude 149° E. This island probably has an area of several hundred square miles, possibly more than 1,000, and altitudes above sea level of 300 feet or more.

Henrietta Island is in latitude 77° 8' N., longitude 157° 45' E., and Jeannette Island in latitude 76° 47' N., longitude 158° 56' E.; each has an area of approximately 50 square miles and an altitude of more than 400 feet.[2]

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[1] See Arctic Pilot, vol. I, p. 338, 1917; U.S. Geol. survey Bull. 399, p. 682, 1908; U.S. Hydrographic Office Chart 906; and Problems of polar research, p. 241, New York, Am. Geog. Soc., 1928.

[2] For further information regarding these islands see The voyage of the *Jeannette*, ed. by Emma DeLong, vol. 2, pp. 679-689, Boston 1883, and 47th Cong., 2d sess., H. Ex. Doc. 186, p. 341, 1883.

[From the Laurinburg (NC) Exchange, June 5, 1985]

EXHIBIT 6

U.S. CONSIDERS RELINQUISHING CONTROL OF ALASKAN ISLANDS

"The State Department appears ready and willing to surrender five strategic Alaskan islands and hundreds of thousands of square miles of oil-rich Alaskan outer continental shelf to the Soviet Union without full public debate and Senate ratification of a treaty," according to Carl Olson, Executive Vice President of The Conservative Caucus Research, Analysis & Education Foundation, Inc., of Vienna, Virginia.

"This giveway of literally billions of barrels of America's oil reserves and Alaskan sovereign territory makes the Panama Canal fiasco look insignificant in comparison," Olson declared.

This giveaway was the subject of a high-level State Department delegation which went to Moscow for the week of July 23-27, headed by the department's Legal Adviser Davis Robinson and supported by his staff members Elizabeth Verville and Scott Hajost, and by Harry Marshall and Richard T. Scully of the department's Bureau of Oceans and International Environmental and Scientific Affairs, and by Robert W. Smith of the office of the Geographer.

The enormous size of the giveaway of strategic oil reserves is reflected in official Department of the Interior estimates. The oil-rich outer continental shelf off Alaska is equal in area to six Californias—or three-quarters of the entire U.S. outer continental shelf. Seabeds equal to about twice the size of California lie to the east of the 1867 Convention Line, and seabeds equal to about four Californias lie the west in the vicinity of the Alaskan islands of Wrangell, Herald, Bennett, Heneritta, and Jeannette. The estimated hydrocarbon reserves of the seabeds to the east of the 1867 Convention Line are 12.2 billion barrels of oil equivalent. (The Navarin Basin alone contains 1.9 billion barrels of reserves.) To the west of the 1867 line, which has twice the area, the reserves have not been officially estimated, but it would not be unreasonable to place them at twice the amount for the area to the east of the line. Or, in other words, the State Department is contemplating giving away about 25 billion barrels of oil equivalent to the Soviets.

The State Department's basis for the giveaway involves its novel (and incorrect) portrayal of the "U.S.-Russia Convention Line of 1867", which was used in the purchase of Alaska from Russia in 1867 for $7,200,000.

This stance by the State Department appeared in the Federal Register notice of the leasing of the Navarin Basin (p. 10065, March 16, 1984). In paragraph 16, under the heading "Jurisdiction", was the following language: "The differing claims relate to differing depictions of the line established by the 1867 Conventions Ceding Alaska between the United States and Russia. The United States depicts the 1867 Convention Line as the maritime boundary by arcs of great circles while the Soviet Union depicts the 1867 Convention Line as rhumb lines." There is no question in the State Department's position that the 1867 Convention Line is "the maritime boundary".

Contradicting this characterization is a mass of historical evidence and even the State Department's own words. In the State Department's International Boundary Study No. 14 (revised 1965) on "U.S.-Russia Convention Line of 1867", the language is very clear:

"Rather than a boundary per se, this report concerns a convention line which ordinarily appears on official maps in the same manner as a boundary . . .

"Furthermore, in keeping with the policy that the line does not constitute a boundary, the standard symbol for the representation of an international boundary should never be used."

So far, the State Department has failed to explain how the United States has relinquished its claim to the islands and seabeds between 1965 and 1984. No treaty, agreement, or other public understanding had been cited for this surrender of American sovereignty.

Even as late as 1978 the noted authority Dr. William E. Butler, Professor of Comparative Law at the University of London, wrote in the book International Straits of the World, Volume 1 "Northeast Arctic Passage as follows: "The Russo-American Convention Line of 1867 is not regarded as a state frontier, and the continental shelf boundary in the Chukchi Sea and northward remain to be negotiated."

The five Arctic Alaskan Islands—Wrangell, Herald, Bennett, Henrietta, and Jeannette—were never considered in the purchase of Alaska. Four has not yet been discovered in 1867. Americans discovered and claimed them on Arctic expeditions in following decades. Herals Islands was discovered and claimed by the British in 1849, and was later acquired by the United States.

Bennett, Henrietta, and Jeannette Islands were discovered and claimed by U.S.N. Commander George Washington DeLong aboard the Jeannette in the 1879-81 expedition. The islands still bear his name (the DeLong Islands), and the U.S. Naval Academy in Annapolis has a monument to that expedition.

Wrangell Island, the largest of the five with an area of 2,800 square miles (the size of Rhode Island and Delaware combined), was discovered and claimed on August 12, 1881, by Captain Calvin Leighton Hooper aboard the U.S. Revenue Marine (Coast Guard) ship Thomas Corwin. Among the landing party on Wrangell Island was the famed explorer John Muir, who wrote of his trip in the book, The Cruise of the Corwin. Various surveys, expeditions, and settlements were made on Wrangell Island in the next four decades by Americans. This ended when the Soviet Union invaded the island with a landing of infantry from the ship Red October on August 20, 1924, and took as prisoners the 14 Americans of the Lomen Brothers Company's fur settlement and confiscated all the gear, pelts, and other property. The 12 surviving Americans were eventually released from their imprisonment in Vladisvostok. The Soviets currently maintain slave labor camps on the island.

It is significant to note that in the State Department's reissue of the book Digest of International Law by Green Haywood Hackworth in 1973, the unequivocal settlements is made:

"The United States has not relinquished its claim to Wrangell Island."

Numerous efforts by various parties, including the owners of Wrangell Island, have been made over the decades to take back their property and collect damages for the unlawful occupation by the Soviet Union. Unfortunately, the State Department has not seen fit yet to honor those claims or even the decision by the Foreign Claims Settlement Commission in 1959 in favor of the Lorne Brothers.

"This impending giveaway of the five islands and the enormous tracts of oil-rich outer continental shelf to the Soviets demands the most searching public scrutiny and debate. It must be made in issues for a

national decision-making." Olson stated. "The State Department is not empowered to surrender American real estate and seas. Only the Congress has that power. It should be brought up in the form of a treaty, signed by the President, and debated and ratified by the Senate in order to give the full force of law. The Constitution cannot be ignored in this potentially massive cession of strategic American interests so close to home."

In an ironic comparison with the apparent lenient attitude that the State Department has exhibited toward the Soviets over the seabed boundaries, the State Department has adopted a hardline position toward our ally Canada in the Arctic. This position came to light with the leasing on August 22 of the Diapir Field which borders Canada. The Federal Register announcement of July 23, 1985 (p. 29726) noted a "Jurisdictional Dispute" with Canada over some of the blocks being offered. Although the notice did not say so explicitly, the U.S. position is that the seabed boundary should reflect the "equidistant" theory of boundaries, while this dispute continues, the three petroleum companies which bid on these leases (Union Oil Co. of Calif., Amoco Production Co., and Shell Western E & P Inc.) will have their bid money deposit lie in escrow. Their total winning bids for the four blocks totalled $5,105,000—a substantial affirmation of the rich nature of the Arctic Alaskan outer continental shelf.

Vol. 135 WASHINGTON, WEDNESDAY, JANUARY 25, 1989 No. 6

Congressional Record

United States
of America

PROCEEDINGS AND DEBATES OF THE *101st* CONGRESS, FIRST SESSION

SENATOR JESSE HELMS

INTRODUCES SENATE RESOLUTION 20

Exhibit 31

SENATE RESOLUTION 20—RELATIVE TO THE PRESERVATION OF U.S. TERRITORY IN THE ARCTIC OCEAN

Mr. HELMS submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 20

Whereas Wrangell Island became a part of the United States by right of confirmed discovery during the voyage of Captain Thomas Long, a citizen of the United States, of the barque *Nile* in 1867 and by right of first possession formalized during the voyage of Captain Calvin L. Hooper of the U.S. Revenue Marine steamer *Corwin* in 1881;

Whereas the Senate had printed a "Report of the U.S. Revenue Steamer *Thomas Corwin*, in the Arctic Ocean," as Ex. Doc. No. 204 in the 1st Session of the 48th Congress;

Whereas the House of Representatives had printed reports on the cruise of the United States Revenue Marine steamer Corwin in Alaska and the Northwest Arctic Ocean in the 2d Session of the 47th Congress, in the 1st Session of the 49th Congress, and in the 1st Session of the 50th Congress;

Whereas the Senate and House of Representatives of the United States of America approved on March 18, 1878 an Act in aid of a Polar expedition designed by James Gordon Bennett, a citizen of the United States, which authorized the Secretary of the Treasury to issue an American register to the vessel Jeannette, purchased in Great Britain;

Whereas the Senate and House of Representatives of the United States of America approved on February 27, 1879 an Act authorizing the Secretary of the Navy to accept and take charge of the ship Jeannette for the use of a North Polar Expedition;

Whereas Jeannette Island was discovered on May 16, 1881 and formally taken possession of on June 3, 1881 during the voyage of U.S. Navy Commander George Washington De Long on the *Jeannette;*

Whereas Henrietta Island was discovered on May 24, 1881 and formally taken possession of on June 3, 1881 during the voyage U.S. Navy Commander George Washington De Long on the *Jeannette;*

Whereas Bennett Island was discovered on July 11, 1881 and formally taken possession of on July 29, 1881 during the voyage of U.S. Navy Commander George Washington De Long on the *Jeannette;*

Whereas Wrangell, Herald, Jeannette, Henrietta, and Bennett islands were surveyed by the United States Navy for the United States Coast and Geodetic Survey in 1881;

Whereas the United States Coast and Geodetic Survey placed Wrangell, Herald, Jeannette, Henrietta, and Bennett islands in the District of Alaska;

Whereas beginning in 1900 the United States Geological Survey included Wrangell, Herald, Jeannette, Henrietta, and Bennett islands as part of the District, later Territory, and State of Alaska; and

Whereas unlike the government of Canada and Great Britain, the Government of the United States has never surrendered its sovereignty over these islands; Now, therefore, be it

Resolved, That (a) it is the sense of the Senate that under the United States Constitution any territory, outercontinental shelf, exclusive economic zone, or fishery conservation zone, including the territory described in subsection (b), may only be transferred to any other country—

(1) by treaty in accordance with Article II, section 2, clause 2 of the United States Constitution which states that "[the President] shall have Power, by and with the Advice and Consent of the Senate, to make Treaties, provided two-thirds of the Senators present concur; "; and

(2) by enactment of Congress in accordance with Article IV, section 3, clause 2 of the United States Constitution which states that "[t]he Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States.".

(b) The territory referred to in subsection (a) includes the island of Wrangell, Herald, Bennett, Henrietta, and Jeannette which are located in the Arctic Ocean and the outer continental shelf, of, and the exclusive economic zone surrounding, those islands.

Mr. HELMS. Mr. President, I am deeply concerned that the Department of State is endeavoring to turn over to the Soviet Union five U.S. islands in the Arctic Ocean. These islands are: Wrangell Islands, Herald Island, Jeannette Island, Henrietta Island, and Bennett Island.

There is far more at stake here than the ownership of five small islands covered with ice and snow. What is at stake is how, under the rules of international law, the United States will define its Outer Continental Shelf. If we surrender these islands we will be surrendering an area that amounts to almost half of our entire Outer Continental Shelf.

Moreover, these islands lie in the Arctic between the Soviet Union and the North Pole. If we surrender the islands to Soviet sovereignty we may well be surrendering control of the Arctic Ocean to Soviet nuclear submarines.

The State Department refers to this problem as a boundary dispute involving the 1867 Convention Line established with the purchase of Alaska. It is true that there are substantive issues involving the 1867 Convention Line in the Navarin Basin, south of the Bering Strait. These are questions which ought to be carefully studied, both by the administration and by the Senate.

But the islands are all north of the Bering Strait, in the Arctic Ocean, and deserve to be a focus of separate attention. A glance at the map will show that this is hardly a "boundary dispute," a term which might imply drawing a line 100 miles one way or another. This is a major issue, substantively different from the Navarin Basin problem, which could determine control of the Arctic Ocean for generations to come.

These islands are U.S. territory and property. They were discovered by U.S. citizens and taken possession of on behalf of the United States. The United States has asserted sovereignty over them. The U.S. Congress has acted upon them as our territory and property. Therefore, it is clear that, under the Constitution, they cannot be alienated by the State Department, without the express consent of both Houses of the U.S. Congress.

The resolution which I am submitting today expresses the sense of Congress that the provisions of the Constitution with regard to the disposition of U.S. territory and property be complied with fully. I hope that the Committee on Foreign Relations will schedule hearings on this resolution at an early date so that all aspects of the issue can be considered. Incredibly, there have never been hearings on this issue; yet the State Department has been blithely proceeding as though this were just a minor issue.

The resolution that I am offering today is simple and to the point. It states that it is the sense of the Senate that under the U.S. Constitution any right, title, or interest of the United States in any territory, Outer Continental Shelf, exclusive economic zone or fishery conservation zone may only be transferred to another country by treaty, within the meaning of article II, section 2, clause 2 of the U.S. Constitution, and by enactment of Congress in accordance with article IV, section 3, clause 2 of the U.S. Constitution.

Mr. President, the President has the power to make treaties, by and with the advice and consent of the Senate, provided two-thirds of the Senators concur. There is no dispute over the President's power to make treaties. All we are saying in this resolution is that this matter is a matter which should be handled by treaty. It is not a matter to be considered as a technical issue settled by an Executive order.

Mr. President, the treatymaking power does not stand alone. Where U.S. territory and property is concerned, there are further requirements. Our Constitution in article IV, section 3, clause 2 states clearly that, "(t)he Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States." Nowhere, does our Constitution state that the Department of State has the power to hand over U.S. territory to a foreign power by means of an executive agreement or other similar instrument.

The historical facts about United States sovereignty over these islands are clear. Unfortunately, the Department of State has been spreading all manner of disinformation concerning these islands not only to Members of Congress but also to the public at large.

In a letter to me, the State Department referred to this matter as a maritime boundary issue. It stated that all of these islands are claimed by the U.S.S.R. The State Department went on to say that: "It has been alleged that the United States has claimed sovereignty over the five islands". It is noteworthy that the State Department states the Soviet claim as an ac-

cepted fact, whereas it asserts that "after extensive research, the Department of State has not found any evidence that the Government of the United States has ever formally asserted a claim to any of these islands."

That statement is totally false. In fact, one of my illustrious predecessors representing North Carolina in the Senate, Senator Robert R. Reynolds, dealt with this matter extensively in 1940. The State Department simply has not bothered to look into the historical record. I have spent some months researching that record, including diaries of the period newspaper accounts of the discovery period—including previously overlooked accounts in Honolulu newspapers of the last century—the U.S. Geological Survey, the CONGRESSIONAL RECORD, and other official documents of record.

So let us be clear about the historical record.

Wrangell Island was discovered during the voyage of Captain Thomas Long, a citizen of the United States, aboard the barque "Nile" in 1867. A new account of this confirmed discovery appeared in the Pacific Commercial Advertiser published in Honolulu on November 9, 1867.

First possession of Wrangell Island was formalized during the voyage of Capt. Calvin L. Hooper of the U.S. revenue marine steamer *Corwin* in 1881. Information about this voyage was printed in Senate Executive Document No. 204 in the first session of the 48th Congress. The title of this report is, "Report of the U.S. Revenue Marine Steamer Thomas Corwin, in the Arctic Ocean." The House of Representatives also printed reports about this voyage during the second session of the 47th Congress; and during the first session of the 50th Congress.

Mr. President, on March 25, 1922, the distinguished Senator Joseph T. Robinson placed a letter in the RECORD written to him by the Captain Commandant of the U.S. Coast Guard, W.E. Reynolds. In his letter, Commandant Reynolds notes that he was a junior officer aboard the *Corwin* and was the officer assigned to carry our flag during the landing on Wrangell Island on August 12, 1881. In the letter he states, and I quote, "The captain and I landed together, being the first to get ashore, I had the flag, and with the captain's permission waved it and took possession of the new land in the name of liberty and of the Government of the United States of America."

Mr. President, the words of Captain Reynolds of the U.S. Coast Guard are certainly crystal clear with respect to taking formal possession of Wrangell Island.

Senators should also take note of he following entry in the log book of Captain Hooper, and I quote:

Friday, August 12, 1881. Lat. 71-04 Long. 177-40 off Wrangle Land. Got underway at 4:00 a.m. After a good deal of bumping and squeezing we reached the land and anchored in a small clear space off the mouth of a small river. Went on shore and took possession in the name of the U.S.

This quotation is contained in a study entitled, "The Discovery of Wrangel Island" by Samuel L. Hooper. It was published by the California Academy of Sciences as Occasional Paper No. XXIV, in San Francisco in 1956.

Prof. John Muir, a member of this expedition, wrote in his book that, and I quote, "A notable addition was made to the national domain when Captain Calvin L. Hooper landed on Wrangell Land and took formal possession in the name of the United States." John Muir, one of our Nation's most famous naturalists, was the founder of the Sierra Club.

The famed arctic explorer Vilhjalmar Steffansson in his book, "The Adventure of Wrangel Island" describing an expedition undertaken in 1921, wrote that, and I quote, "* * * following 1881 * * * the island was United States territory.

The Soviets have, in the past, claimed that a Russian Lieutenant Wrangel discovered the island. This assertion is groundless according to the Lieutenant's own memoirs. Wrangell himself wrote in his book, "The Narrative of a Voyage to the Polar Seas in the Years 1821, 1822, and 1823" that, and I quote, "* * * with a painful feeling of the impossibility of overcoming the obstacles with which nature had opposed us, our last hope vanished of discovering the land which we yet believed to exist * * * we had done what duty and honor demanded, further attempts would have been absolutely hopeless and I decided to return."

Mr. President, the matter of Wrangell Island was before the Senate and the House of Representatives in 1939 and 1940. With the gathering storm of World War II about to engulf our Nation, Members of the Senate and the House became concerned about our Pacific air routes. A bill was offered in the House by Congressman Maas authorizing and directing the Secretary of the Navy to construct a naval air station on Wrangell Island. The bill, H.R. 4286, was introduced on February 17, 1939, and referred to the Committee on Naval Affairs. The State Department influenced the committee to take no action on the bill.

Mr. President, a similar bill was introduced in the Senate by a distinguished predecessor of mine from the State of North Carolina, Senator Robert R. Reynolds. While no action was taken on the bill, in the following year, Senator Reynolds introduced a resolution and articles relative to ownership of Wrangell Island.

Mr. President, so that our colleagues may have Senator Reynold's resolution and statement for immediate reference, I ask unanimous consent that the statement of Senator Reynolds of Monday, April 8, 1940, be printed in the RECORD at the conclusion of my remarks as exhibit 1.

Mr. President, I ask unanimous consent that a scholarly article entitled, "The Right of American Sovereignty over Wrangell Island," by Mr. David Nolan and Mr. Mark Seidenberg which appeared in the Canadian historical journal published by the University of Saskatchewan, "Musk Ox," be printed in the RECORD at the conclusion of my remarks as exhibit 2.

On March 18, 1878, the Senate and the House of Representatives approved an act in aid of a polar expedition designed by James Gordon Bennett, a U.S. citizen which authorized the Secretary of the Treasury to issue an American register to the vessel *Jeannette* which had been purchased in Great Britain.

On February 27, 1878, the Senate and the House of Representatives approved an act authorizing the Secretary of the Navy to accept and to take charge of the ship *Jeannette* for the purpose of a north polar expedition.

Jeannette Island was discovered on May 16, 1881, and formally taken possession of on June 3, 1881, during the congressionally authorized voyage of U.S. Navy Commander George Washington De Long on the *Jeannette*.

Henrietta Island was discovered on May 24, 1881, and formally taken possession of on June 3, 1881, during this same voyage.

Bennett Island was discovered on July 11, 1881, and formally taken possession of on July 29, 1881, during this same voyage.

Mr. President, there is ample published historical material to verify these facts about the three De Long Islands. For example, Houghton Mifflin Co. published a two volume work in 1883 entitled "The Voyage of the *Jeannette*, The Ship and Ice Journals of George W. De Long." These were edited by his wife, Emma De Long. There is also an extensive collection of clippings and other information about this voyage at the Naval Academy in Annapolis.

Mr. President, I ask unanimous consent that excerpts from Captain De Long's journals relating to Henrietta, Jeannette, and Bennett islands be printed in the RECORD at the end of my remarks as exhibit 3.

Mr. President, I ask unanimous consent that the appropriate citations on these five islands from the bulletin of the U.S. Geologic Survey, No. 187, entitled: "Geographic Dictionary of Alaska," written by Marcus Baker, the Secretary of the U.S. Geologic Survey, and published in 1902 be printed in the RECORD at the conclusion of my remarks as exhibit 4.

Senators should note that this "Geographic Dictionary of Alaska" was reprinted in a second edition in 1906 by the U.S. Geological Survey. The same citations to these five islands appear in this edition.

Mr. President, in 1930, the U.S. Geological Survey published its bulletin which was entitled "Boundaries, s, Geographic Centers and Alti- s of the United States and the several States." This publication was written by Mr. Edward M. Douglas and was a revision and enlargement of the 1923 edition. In the chapter entitled "Additions to the territory of the United States," Wrangell, Bennett, Henrietta, and Jeannette islands are described. Mysteriously and without explanation, or perhaps owing to the influence of the Department of State, these references were deleted from the 1966 and the 1976 edition of this work which were edited by Mr. Franklin van Zandt. According to information reaching my office, Mr. van Zandt had submitted his manuscript for the 1966 edition to the State Department and was told by the State Department to delete the reference to Wrangell, Bennett, Henrietta, and Jeannette islands.

Mr. President, I ask unanimous consent that the appropriate citations to these islands in the 1930 edition of this bulletin be printed in the RECORD at the end of my remarks as exhibit 5.

The giveaway of these five islands to the masters of the Kremlin is not some obsecure action. In fact, back in North Carolilna, folks are concerned about this situation as are other citizens around the country judging by the mail that I have received on the 'e.

r. President, I ask unanimous con- .t that an excellent article entitled "U.S. Considering Relinquising Control of Alaskan Islands" which appeared in the Laurinburg Exchange of Laurinburg, NC, on June 5, 1985 be printed in the RECORD at the conclusion of my remarks as exhibit 6.

Mr. President, facts are facts. These five islands are U.S. territory. If the Department of State is endeavoring to give away these islands to the Soviet Union, including the related Outer Continental Shelf areas and economic zone areas, then it is the duty of the Congress to adhere to the Constitution in terms of how territory may be transferred.

Mr. President, this reolution simply expresses the sense of the Senate that the Constitution must be observed in cases where our territory is to be transferred. The resolution outlines the historical facts which I described earlier in order that an accurate description of the sovereign rights of the United States of America over these five islands be presented.

There being no objection, the exhibits were ordered to be printed in the RECORD, as follows:

EXHIBIT 1

[Extension of Remarks of Hon. Robert R. Reynolds of North Carolina in the Senate of United States, April 8, 1940]

RESOLUTION AND ARTICLES RELATIVE TO OWNERSHIP

Mr. REYNOLDS. Mr. President, under the permission granted me during the course of my remarks, I ask to have printed in the Appendix of the RECORD the resolution (S. Res. 253) to which I referred; a statement which I have prepared with respect to Wrangell Island; an article from the Washington Post of February 26, 1939; and an article entitled "War of Propaganda May Be Already Won."

There being no objection, the matters referred to were ordered to be printed in the RECORD, as follows:

SENATE RESOLUTION 253

Resolved, That the Secretary of State is requested to make a report to the Senate at the earliest practicable date with respect to whether or not the United States has a valid claim to sovereignty over Wrangell Island.

STATEMENT BY HON. ROBERT R. REYNOLDS OF NORTH CAROLINA

Wrangell Island is, roughly, the size and shape of Jamaica, 80 miles long and 35 miles wide. It is rugged rather than rocky with a maximum elevation of about 2,000 feet. So far as we know, there is no permanent ice of snow, with the snows of winter disappearing completely in summer. The minimum temperature in winter is only a little lower than that of Montreal, about the same as that of Winnipeg, and not nearly so low as that of some of the Russian cities. Because the island is small and surrounded by a small ocean, the warmest summers will not be far different from the month of May throughout some of the northwest sections of Canada and some of the northeast sections of the United States. Essentially it is a prairie land—no trees, and only small bushes. The beach is abundantly supplied with driftwood for fuel and for the building of log houses. It is probably the greatest polar bear country in the world. But bearskins have at present a small commercial value. There are no locations better for the trappings of white and blue foxes, and there are considerable quantities of the remains of the prehistoric elephants—mammoths of that fossil monster may be of some importance. It is an excellent station for the walrus and hair-seal industry. Nothing is known about the presence or absence of minerals. Great herds of reindeer are owned by natives and whites in Alaska and suitable breeding stock could be purchased at reasonable cost and landed in Wrangell Island.

Probably Wrangell Island could support some ten to twenty thousand herd equally in value to double that numbers of sheep.

Although the commercial value of Wrangell Island is small, it is not negligible. As a matter of fact I should not have been in the least interested in this island, however, but for my belief that within 25 years from now the Polar Ocean will be one of the chief theaters of air commerce. It is true that we of the United States have planty of rich land to develop, both at home and in our Territories, particularly in Alaska, and in speaking of Alaska, may I say that I believe that we have come to need badly a supply station under our own flag somewhere on the northern frontier of Asia such as Wrangell Island, for remember that Asia, Russian territory, is located within a stone's throw of our American Territory of Alaska. Fact is, the Little Diamede Island, which we acquired from Russia together with Alaska and Pribilof in the Aleutian Islands for a consideration of $7,200,000, is only about one-half mile from the Big Diamede Island which belongs to Russia itself.

Every other island on this vast northern frontier of Asia is clearly the property of some other nation, either by discovery or by occupation, but I believe that this one spot, Wrangell Island, is clearly ours and the longer that we let it go and remain in the hands of Russia, as of now, the more difficult will be our chance of obtaining our legal rights.

From a purely commercial standpoint as of now, the island would not be worth anything to us, but as I have heretofore stated, within 25 years from now it would be a very valuable spot, so my chief design, that what I have said and done, shall rest entirely on the grounds of public interest and public spirit.

If one looks at the Polar Ocean on a globe, which is the only way of correctly realizing the situation, you will note that Wrangell Island lies straight across from New York and is almost directly in line between the metropolis of New York and Manila, the capital of the Philippine Commonwealth. Even though it is not strategically the most important island on the northern coast of Siberia, it is the only island to which the United States Government has a claim on that vast frontier.

A couple of years ago when I was in Alaska and at which time I visited Point Barrow, the northernmost point in the Western Hemisphere, as well as Deering, Wainwright, Nome, and Siberian waters, friends of mine there and others whom I have met from time to time and place to place who were familiar with Siberia, impressed upon me how the Japanese were penetrating northward into that great country. And, as a matter of fact, several years ago while in Russia I understood that the Soviet Government was encouraging the immigration of its nationals from the congested cities such as Odessa, Leningrad, and Moscow to Siberia and its northeastern portions on the mainland in the neighborhood of Wrangell Island.

At the present time I am informed that a number of Chuckhees, Russian nationals, are occupying the island as a result of our nationals having been forcibly taken from the island a number of years ago, concerning which incident I shall return to shortly. We have never asked submission of the question to some form of international court, in which case their occupation, coupled with our neglect, could have established ownership, so in this bill I am merely asking that our State Department inquire into the question of whether or not the United States has a valid claim to sovereignty over this island.

It is my information that in September of 1921 several Britishers, together with a small party of Eskimos, landed on Wrangell Island, where they raised the British flag, which they claimed was the third time that the British flag had been placed upon the soil of Wrangell Island. At that time there were some press stories in the United States to the effect that our Government had protested against Britain's occupation of this island, but as to whether or not these statements are authentic I have not been informed. At that time, however, it is my understanding that the Soviet Government of Russia did protest. This protest contained three reasons on account of which Wrangell Island was said to be Russian.

The first reason was discovery of the island by Baron Wrangell a little more than a hundred years ago. Close students of the baron's journey at the time that he was supposed to have discovered Wrangell Island will reveal that he was never anywhere near it. And in addition to that he states in his description definitely that he failed to discover land. Confirmation of this can be obtained easily.

The second Russian claims are on the basis of a landing between the years 1910 and 1915. As a matter of fact, any nation could have claimed Wrangell Island on the

basis of a landing in 1910, 1915, or 1921, the latter of which was claimed by the British.

Thirdly, the Russians advance the claim that Wrangell Island is Russian by reason of its immediate proximity to Siberia. The distance from Siberia is about 100 miles, and as to this claim for ownership through proximity might possibly be agreed upon by some future international convention, but it certainly has not been agreed upon in the past.

In the year 1880 or 1881 the New York Herald fitted out a Polar expedition under the command of Lieutenant De Long, an officer on leave of absence from the United States Navy. This was the famous and tragic *Jeannette* expedition, so called after the ship which De Long took north through the Pacific and through the Bering Straits proceeding into the ice which he met northwest of Alaska, firm in the belief that just beyond were the shores of a great continent. Shortly thereafter, while the *Jeannette* expedition was found in the ices of the great Polar region, the American flag was planted on Wrangell Island either by a member of his expedition or by one of the crew of an expedition that went in search of the members of the *Jeannette* expedition.

I claim that Wrangell Island is originally the property of the United States through right of discovery, but it is a principle of international law that claims arising out of the discovery must be followed up within any reasonable time by exploration or occupancy or else it lapses into the territory of a no-man's island.

The British claim some sort of title as of 1854, by way of discovery or otherwise, and the Russians claim title for the same or similar reasons; but, after all, it is not disputed that the American flag was placed on Wrangell Island in 1881 or 1882, and it was actually occupied by the nationals of the United States when the Russian nationals, forcibly and against their will, removed the nationals of the United States from the island to Siberia, and I understand that since then the Russians have occupied the island.

I think it is pretty well conceded—at least, there is no information to the effect—that any human being ever landed on Wrangell Island before the Americans did in 1881, and we know pretty definitely that no landing was made upon the island thereafter for many, many years.

Those who claim to have a knowledge of aerial navigation say that conditions on the whole there are better than in any other area in the world, and, of course, for the time being, we are interested in the acquisition of this island for the reason that, as I have heretofore stated, within 25 years it will be a very valuable spot, as the condition of the island is such that, without great difficulty or excessive expense, airplane bases could be established. Some have ventured that a harbor at one end of the island is so enclosed that aquaplanes could make safe landings, and in the winter, with the airport covered with snow, great passenger and freight planes could land safely on skis. Not only are flying conditions over the polar area on the whole good, according to those who are familiar with this section, but it is much the smaller of the oceans and therefore the easiest ocean to cross. As the settlements creep northward along the great rivers of Siberia and Canada, the polar mediterranean will continually increase in importance through the airways above which connects the various lands.

In conclusion, may I say that Russia is now in the possession of Wrangell Island. I claim that that possession was obtained by force and not by discovery. Of course, on account of Wrangell Island's being in the immediately proximity of Russian territory, it would be easy for Russia to seize and difficult for us to defend, but surely it would be possible to establish the ownership of the island at an international conference. If Russia—or any other country for that matter—then acted contrary to the decision of the conference, the facts would at least be known and the blame would be laid where it was deserved; and again I wish to say that to use Wrangell Island as a base we would have there a short cut for airplanes flying over the top of the globe from New York to Manila instead of around the circumference by such routes as are taken by ships and trains.

Wrangell Island has an area of about 2,000 square miles. Its elevation rises to 2,500 feet, but there is much less land on the south and north. Shoals and sand spits project to sea on the north and southwest. The west and east coast are steep and lofty. The harbor is on the southeast. Tundra covers many parts.

In 1923 a party of Eskimos under an Alaskan trapper were established on Wrangell Island, but Russia, laying stress on the claim made around 1915, forcibly removed the colony in August of 1924 and shortly afterward brought 50 Chuckhees to form a settlement under Soviet officials, and I understand that the colony was visited by Russian airplanes in 1927. At that time these claims were not officially disputed by the United States, according to my information.

Last year I introduced a bill in Congress calling for the establishment of naval bases on Wrangell Island. This resolution was referred to the Naval Committee of the Senate, and no action to date has been taken thereupon. Fact of the matter is, I think that I was a little premature in the introduction of that resolution. I probably then should have introduced a bill such as I am introducing today, requesting the Secretary of State to make a report to the Senate at the earliest practical date with respect to whether or not the United States has a valid claim to sovereignty over Wrangell Island; and then, after the establishment of this claim, if an international congress awards the island to the United States, then would be the proper time for a bill calling for the establishment of naval bases there. At any rate, last year, when I introduced the aforementioned bill, which was referred to the Naval Affairs Committee of the Senate, there appeared in the Washington Post under date of February 26, 1939, an article entitled "United States Owns Wrangell Island. Not Soviet, Says Reynolds," and the subhead of that story reads, "Retired rear admiral, who planted American flag, revives controversy of Arctic possession." I wish to have this article at this juncture printed as a part of my remarks.

I ask that the resolution be referred to the Foreign Relations Committee, and I hope that we may shortly ascertain the rightful owner of this island, which in the future, I am confident, will prove to be a most valuable possession.

(From the Washington Post, of Feb. 26, 1939]

UNITED STATES OWNS WRANGELL ISLAND, NOT SOVIET, SAYS REYNOLDS—RETIRED ADMIRAL, WHO PLANTED AMERICAN FLAG THERE, REVIVES CONTROVERSY OVER ARTIC POSSESSION

Because "first come first served" still is the law of the masterless lands, Rear Admiral William Edward Reynolds, retired, believes the Russians ought to get off Wrangell Island.

It is a matter of personal pride to him, for he "came first," in this case, he said; and planted the American flag on that ice bound spot in the Arctic Sea one August morning in 1881.

There is a first-class international squabble ready to flare up over this disputed land, and it was another Reynolds who started it.

Last Friday Senator ROBERT R. REYNOLDS, of North Carolina, introduced a bill in the Senate to establish a naval air base on Wrangell Island, but there is small chance of doing that while the Russians are there.

It seems that in 1924, taking advantage of a claim they had made in 1916 that had never been officially disputed, the Russians abducted one Charles Wells, an American sailor from Seattle, and 12 Eskimos peacefully engaged in fishing and hunting and otherwise making good America's title to the sport, and replaced them with a colony of enthusiastic Communists.

RESTRAINS HIS PRIDE

This is a pretty intolerable situation for 79-year-old William Reynolds, who retired as rear admiral in the Coast Guard just when this was going on. But, mild-mannered and dignified, he restrained his outraged pride yesterday and spoke of the arrogant Bolsheviks with creditable courtesy.

"I don't know what right they had to take our island," he remarked, "but then I don't know much about international law. I took possession of Wrangell Island for the United States, and we were the first white men that ever landed there. Of course, it's named after a Russian, Baron Wrangell, but he never reached the island; he just saw it."

As a matter of fact, it was something of an accident that led to that historic landing party, the gray-haired seaman admitted. The steamship Corwin, on which he was a junior officer at the time, was not sailing about the Artic looking for new lands for Uncle Sam. She was searching for survivors of the exploring ship Jeannette crushed by ice just before.

They did't find any survivors, but they found a lot of polar bears and walrus, and a good plateau now useful as an airplane landing field, and they presented this chilly spot to the State Department to file away for the future.

FIFTEEN YEARS TOO LATE

Now Senator REYNOLDS has found a use for it, but he is 15 years too late. When, in 1924, Commander M. Davidoff came back in triumph to Vladivostock with Wells and his Eskimos he proudly boasted that once more the proletarian revolution had scored over the "imperialists," who were attempting to "seize the island" because it "would have made an ideal aerial base."

Poor Wells died before he ever got away from Siberia and as Rear Admiral Reynolds is the last survivor of the officers on that historic cruise of the *Corwin*, he is now the only principal of the drama of Wrangell still able to tell the tale.

But Wells' sponsor, Carl J. Lomen, is still very much alive, and so in his claim against the Russian Government for the 167 fox skins and 40 polar bear skins they relieved him of in 1924, not to mention damage against his firm, the Loman Reindeer & Trading Corporation, which brought from an English firm the trading interests in the island just in time to have them seized behind their backs by the conquering Russian revolutionaries.

But after all, the whole thing rests with the State Department, and the State Department isn't interested now. Maybe if we build that air base Senator Reynolds wants there will be a showdown, and the Russians will be forced to admit the validity of Rear Admiral Reynolds' deed, and pay Lomen his

damages. Such as least is the hope of Reynolds, Reynolds, and Lomen.

F PROPAGANDA MAY BE ALREADY WONGER IN JOBLESS HOME MORE PERILOUS AN ANY FOREIGN SPY, IS VIEW

The little man, sitting in his little home, and wondering where he can get another pail of coal, will ultimately decide whether we get into war or stay out, asserts Samuel Grafton, writing in the New York Post. He adds:

"We are being told to watch out for propaganda. Good enough. But in the larger sense, this is a false steer. The propaganda fight has already been fought and won by the Allies. The United States now hates Hitler more than it hated the Kaiser in 1916. The toothiest of British lectures can add only a drop to the brimming bucket of our hate." * *

"History is made when the father of the family says he isn't hungry and slides his food down-table to his children, and the kids take it, trying not to think that's all there is, there isn't any more.

"History is made when the foreman at the plant tells John Smith, American worker, that he can't give him a job until the factory gets another war order, but that the factory isn't getting war orders because the Neutrality Act forbids lending money to the Allies. The muse of history really begins to smirk when John Smith walks down the factory street, feeling the stones through his shoes and wondering why the devil we shouldn't lend money to the Allies when it means a job a man can work at and feed his kids with.

"A decent peacetime job would keep John Smith from making this decision." * *

acing out the figures nationally, I find he total of W.P.A. workers has been most in half, from 3,043,367 in Februa., to 1,661,970 in September. The rise in war boom employment doesn't even remotely correspond to this wholesale slaughter of W.P.A. pay envelopes. The cut occurs at a time when a job is the best and most vital antiwar progaganda of all, because it talks to a man 7 days a week and 24 hours a day.

"I have a feeling that we are flunking our national test. We are depending on a Neutrality Act, a dike of words against a sea of need and blood. We are asking men to consult the national interest first, at a time when the interests of their children clamor in their ears. We are asking the little man to be big. That is the measure of the smallness of our approach.

"The stage for war, the stage for our participation, is being set. It is a bare stage and on it are a few kitchen chairs, an empty table, a congealing stove; in one of the chairs sits a man who fears the morning and who will accept any hope that comes. So far, we have been afraid to look at him."

EXHIBIT 2

THE RIGHT OF AMERICAN SOVEREIGNTY OVER WRANGELL ISLAND

(David B. Nolan* and Mark J. Seidenberg**)

ABSTRACT

The dispute over rightful sovereignty to Wrangell Island today continues as an international issue of the Arctic. The Soviet Union, United States, the United Kingdom, and Canada at one time or other have asserted interests over this frozen piece of tundra and mountain. The proximity of the to both the U.S. and Russia has great ric value in our push-button nuclear he issue itself has implications for the resurgence of American military might, for superpower detente, and for international law.

The history of Wrangell Island is filled with courage and tragedy. It is a tale of kidnapping and death.

The valiant Captain Calvin L. Hooper, the *de facto* governor of the Alaska territory, was the first to land on Wrangell Island. He claimed the island for the United States which perfected this claim through effective occupation in accordance with international law.

The Soviet government seized control of Wrangell Island in 1924 and took American citizens into custody. This act is held to have been in violation of international law and American statutes that sought to protect U.S. territorial rights.

Hence the Soviet Union is believed to have occupied Wrangell Island illegally until the present time. International law does not allow any nation to gain sovereignty in such a fashion. The U.S. sovereignty over Wrangell has never been legally ceded to the Soviet Union, either on account of treaty or due to U.S. inaction.

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Extensive exploration of the Arctic did not occur until the nineteenth century. It is not surprising that Wrangell Island, one of the largest yet most inaccessible islands in the Arctic did not become known to the world until this time.

Wrangell Island[2] is located eighty-five miles off the northeast coast of Siberia and two hundrd seventy miles northwest of Cape Lisbourne, Alaska. It straddles the 180° meridian and the 71° parallel and encompasses an area to two thousand square miles. As with other islands in the Arctic Ocean, accessibility is limited by thick fog and sea ice. Impenetrable ice floes block access even to its southern shore for at least ten months of each year.

Four nations have asserted interests over this island—the United States, the Soviet Union, the United Kingdom, and Canada. The superiority of the claim by the United States can best be understood when placed in the perspective of arctic history and international law.

Early recorded explorations into the Arctic did not intend to lay formal claim to and take effective occupatin of, arctic territory. Without these elements sovereignty will not arise over discovered land. The Greek navigator Pytheas of Massila made the first recorded voyage into the Arctic Ocean in the fourth century. B.C.E., but was turned back by fog and ice.[3] The next recorded voyage into the Arctic of any significance was by a Norse chief named Otar who sailed into the White Sea, after passing the Kola Peninsula.[4]

By the sixteenth century, England and other maritime nations sought better trade routes to the Orient than tne long and arduous routes around the Cape of Good Hope and Cape Horn. In the year 1553 English merchants organized voyages to China by the Northwest Passage across the top of Europe and Asia.[5] In 1594 the Dutch navigator Willem Barents sailed into the Kara Sea.[6]

A Cossack trader named Simon Dexhnev sailed eastward from the Kolyma River in the summer of 1648. The natives of eastern Siberia told him of a "large country" lying to the north of Chukchi and Alaska. He was the first white man to hear of this land called Beringia.[7]

In 1763, another Cossack named Andreyev heard of this land and traveled to the Medvezhi Ostrova to find it. He claimed to have seen a large land to the East from that island location. However, six years later three Russian surveyors named Leontev, Lesev, and Pushkarov confirmed that there was no land that could be seen from such location.[8] Mirages of islands are not uncommon in the Arctic. This factor, added to the difficulty of obtaining star readings for location determinations in arctic fog, have often made land sightings unreliable.

Baron Ferdinand Petrovich von Wrangell, a lieutenant in the Imperial Russian Navy, also heard the tale of the land's existence from the Chukchi chiefs of Siberia. Between 1820 and 1824 he commanded several expeditions in search of the island but he never saw it, let alone land on or occupy it.[9] In April of 1824, at the end of his last arctic expedition, Wrangell wrote:

"[W]ith a painful feeling of the impossibility of overcoming the obstacles which nature opposed to us, our last hope vanished of discovering the land which we believed to exist. We saw ourselves compelled to renounce the object for which we had been striving through three years of hardships and danger."[10]

Despite this failure, Wrangell gained worldwide fame as an arctic explorer. He later became Governor of Russian America. Yet he was never to land upon the island that would bear his name in his honour.

During the mid-nineteenth century, England, still looking for a short-cut to the Orient, attempted to find a Northwest Passage. In 1845 Sir John Franklin left England with a company of 129 to travel over the top of America to Petropaviovsk, Kamachatka. By September, 1846, the expedition's ships had become locked in an ice pack twelve miles from King William Island.

On 11 June 1847 Sir John Franklin died. On 22 April 1848 the ships *Erebus* and *Terror* were deserted and what was left of their crew started on a hopeless march to safety. No one survived.[11]

By 1848 the Royal Geographical Society became concerned over the ships' disappearance and the British Admiralty agreed to its request to organize a search. The United States and Canada also organized searches for the missing ships.

On 6 August 1849, Captain Henry Kellett, R.N., of H.M.S. *herald*, one of the Franklin search vessels, arrived at a small island west of Cape Lisburne. Upon landing, Kellett took possession and named the island Herald after his ship. He hoisted the Union Jack and claimed the island on behalf of Queen Victoria.[12]

Kellett sighted a large land mass beyond Herald Island to the west which he called Plover in honor of another Franklin relief expedition ship. Whereas no land mass existed at the position noted by Kellett on navigation charts, it may have been a mirage rather than Wrangell Island. In any event, no further landing or exploration was made.

Six years later, on 13 August 1855 Captain John Rogers, in his flagship the U.S.S *Vincennes*, reached the position ascribed to Plover Island, also known as Kellett Land on the Admiralty charts.[13] When there was no land to be seen from the clear horizons, the charts by the Depot of Charts and Instruments of the U.S. Navy were changed accordingly. It should be noted that the Russian author Shvede gives credit to the American, Rogers, for discovering Wrangell Island[14] on that Congressionally authorized voyage.[15]

The United States' legal rights in the northwest of the North American Continent have a foundation in the Treaty of Adamsde Onus of 22 February 1821 which ceded Spanish rights in Oregon Country to the U.S.[16] The United States' claims to northern parts of the Oregon Country (now southern Alaska) are based, in part, upon voyages of discovery and annexation by Don Juan Francisco de la Bodega y Quadra and

Don Ignacio Arteiga for the Spanish Government between 1775-1779.[17]

[M. Tsar Aleksandr Pavlovich of Russia ... ukase in 1821 banning "transaction ... commerce, and the pursuit of whaling ... fishing or any other industry ... all along the North West Coast of America from the Bering Sea to the 51st parallel."[18] This coast was part of the area ceded to the United States by Spain in 1821. The Tsar's ukase prompted U.S. President Monroe, in his message to Congress on 2 December 1823, to proclaim the Monroe Doctrine. A compromise was reached on 11 January 1825. The United States government ceded the coast of America north of the 54°40' parallel to the Imperial Russian Government as part of a Treaty of Navigation and Fisheries of the Northwest Coast.[19]

As well be seen, this accord was superseded by the Seward-de Stoechl Treaty in 1867 which ceded Russian America to the United States. The 1825 treaty has no bearing on sovereignty over Wrangell Island which was undiscovered at the time.

By the middle of the nineteenth century, Russian interests in expansion beyond the Asian mainland waned just as American interest in expanding to the West increased. The loss of the Crimean War illustrated the vulnerability of the Russian Empire at its extremities.

The Russian government, fearing that its American colony was no longer defensible and recognizing its economic liability, sold the North American lands to the United States for 7.2 million dollars on 20 June 1867.[20] This convention between the governments of Russia and the United States ended all Russian claims to sovereignty east of the demarcation line.

On 18 October 1867 the Tsarist double ... flag was lowered over Novoarkhan... the capital of Russian-America, and ... Stars and Stripes was hoisted over the renamed city of Sitka. Alaska was now a possession of the United States.[21]

The Office of the Solicitor, U.S. Department of State, determined after a review of the documents leading up to and including the Seward-de Stoechl treaty "that the Emperor of all the Russias ceded to the United States certain territories, and that the United States on its part entered into no commitment which could be interperted as an understanding not to press claim to any land west of the particular line above described."[22] Therefore, there can be no inference that the United States ceded sovereignty to any as yet undiscovered island to the west of the Diomede Islands.

During this period the American whaling industry expanded into arctic waters. On 14 August 1867 Captain Thomas Long of New London, Connecticut, sailed his whaling bark *Nile* along a trek some thirty miles north of the route navigated by U.S.S. *Vincennes* some twelve years earlier. A seaman named Thomas sighted land (Cape Thomas) to the northeast from the ship's masthead. Captain Long named this territory "Wrangell's Land" as an appropriate tribute to the memory of the Russian explorer who spent three consecutive years above the 69th parallel.[23] Long also was the first to sight the identifying volcano of more than 2000 feet in height on Wrangell Island. He sailed past the southern shore and returned to the port of Honolulu. Between 1868 and 1869 the news of the American discovery of "Wrangell's Land" spread worldwide. Geographical ...eties in the United States and Europe ...ored Captain Long for his discovery.[24]

...her, American whalers—the captains ...aynor of the *Reindeer*, Philips of the *Monticello*, and Biler of the *Nautilus* also confirmed the sighting of the large land mass discovered by, Thomas Long. They spread their belief that Wrangell was not an island but a frozen continent similar to that at the South Pole, a speculation that prompted the New York Herald to outfit an expedition in 1879, led by Naval Lieutenant George Washington De Long, to Wrangell Island and then the North Pole.[25] De Long and his ship, the *Jeannette*, formerly called the *Pandora*, never made it. The *Jeannette* became locked in ice floes and drifted westward past Wrangell Island where it was crushed and sunk in the summer of 1881.

Fearing for the fate of De Long, the U.S. Congress in early 1881 authorized one hundred and seventy-five thousand dollars for a search. The *Jeannette* relief ships, the U.S. Revenue Marine Steamer, the *Thomas Corwin* and the U.S.S. *John Rogers* entered the Bering Sea in the summer of 1881. Commanding officer of the *Corwin* was Captain Calvin Leighton Hooper.

Hooper at the time commanded the Bering Sea Patrol of the U.S. Revenue Marine, which made him the *de facto* Governor of Alaska. During the spring of 1877 jurisdiction of the District of Alaska was transferred from the Department of War to the Treasury Department. Treasury in turn placed Alaska under the charge of the U.S. Revenue Marine from that year until 1884.[26] Hooper clearly had authority at that time to discover and claim sovereignty over land on behalf of the United States.[27] The *Corwin* also carried aboard a complement of scientists. These included the world renowned naturalist, John Muir, who was later to found the Sierra Club.

The *Corwin* landed on Herald Island in hopes of finding the *Jeannette* or its crew. Unsuccessful in the rescue attempt, Hooper valiantly forced his ship through heavy ice floes to Wrangell Island to the west.[28]

On 12 August 1881, Hooper, Muir, and their party of six made the first recorded landing by man upon Wrangell Island. Edward W. Nelson, a member of the landing party later noted.

"The result of our examination of the Island, so far as we saw, gave not the slightest evidence of its ever having been visited by man before. All subsequent examinations of Wrangell Island by those who have visited it later appear to establish the fact that the landing party from the *Corwin* contained the first men to set foot on this island."[29]

Landing at the mouth of the Clark River on the eastern side of the Island, Hooper and his fellow officers raised the American flag and took possession of Wrangell Island in the name of the United States. While Hooper and Muir explored the island, other party members erected a rock cairn and deposited documents recording the significant event. William Reynolds, a member of the party, recalled:

"I had the flag and with the Captain's permission waved it and took possession of the new land in the name of liberty and of the Government of the United States of America. I planted the flag on a bluff a little to the northwest of our landing place and left it there together with a record of our visit."[30]

Hooper called the island "New Columbia." He explained.

"It was believed that as the island had become, by our act of landing upon it, a part of the United States, by selecting a name of national character, no disrespect would be shown to the memory or offense given to the friends of the gallant officer whose name it bore, and that the name given would be adopted by all nations."[31]

The name "New Columbia" never replaced Wrangell, however.

Captain Hooper told Captain L. C. Owens of the American whaler *Belvedere* of his plan to annex Wrangell Island to the United States prior to landing there. The *Belvedere* became the second ship to land at Wrangell on 19 August 1881. "As soon as we got ashore we saw the signal planned by Lieutenant Reynolds, a small American ensign fastened to a slender piece of driftwood, driven into the soil," confirmed a *Belvedere* crew member.[32]

On 26 August 1881 a party from the *Rogers*, the other relief ship, landed on Wrangell Island. They completed an official survey for the U.S. Government on 13 September of the same year. One crew expedition proceeded overland to the mountains, where a general view of land and water could be obtained. Another group found the cairn left by the *Corwin*, and deposited copies of the documents contained therein, taking the originals for the Navy's report. The crew of the U.S.S. *Rogers* also raised the American flag over Wrangell Island.[33] The crew determined that its new U.S. possession was not a continent but a large island.

Major E. W. Clark, the Chief of the United States Revenue Marine Service, informed the U.S. Coast and Geological Survey in 1881 of the annexation of Wrangell Island to the United States. The U.S.C. & G.S. of the U.S. Treasury Department determined that Wrangell Island should be included in the District of Alaska.[34]

Between the years 1881 and 1910 Wrangell Island was visited exclusively by Americans. These were mostly whalers and walrus and seal hunters. On 8 September 1889 the U.S.S. *Thetis* went to Wrangell Island while cruising the Arctic Ocean, "showing the American flag."[35] In the year 1910 Captain Louis Lane sailed the ship *Adler* of Nome, Alaska, to Wrangell Island with a motion picture company from Hollywood, which filmed a polar bear hunt.

For a period of twenty-nine years following Hooper's claim, U.S. and Russian publications recognized United States sovereignty over Wrangell. U.S. Geological Survey Bulletins No. 169 in 1900, No. 187 in 1902, and Nos. 274 and 299 in 1906 included Wrangell Island as part of the U.S. Russian Naval Maps and Encyclopedia at the turn of the century also show the same designation.

In 1910 the Imperial Russian government, interested in compiling hydrographic charts to facilitate shipping routes from Kolyma to Vladivostok, commissioned two steel icebreaking ships, the *Vaigatch* and *Taimyr*. On 16 September 1911 the *Vaigatch* anchored in a cove off Blossom Point at the southwest corner of Wrangell Island while taking shelter from a gale from the northeast.[36] Its captain sent a landing party ashore on 15 September via whaleboat and motor launch to establish the correct astronomical position by celestial observation. The landing party found a coal deposit and erected a ten meter structure to establish the astronomical position of the landing place before leaving.

The Russians then circumnavigated the island, but unfortunately at a distance too far to contribute to the definite outlining of the coast.[37] This was the only visit that the Russians ever made to the Wrangell Island before 1924, nor did they ever make any claim to the island during their stay.

In 1911 Dr. Rollin Harris, an American oceanographer, again raised interest in the possibility of an as-yet-undiscovered arctic continent. He hypothesized the existence of "Harris Land" to explain tidal movements in the Arctic Ocean.

In 1913 the National Geographic Society planned to finance an expedition to the Arctic to find this new land. Sir Robert Borden, Prime Minister of Canada, asked

and received permission to finance the expedition for fear that Americans might make [illegible] discoveries north of Canada for the United States.[38]

Vilhjalmur Stefansson, a Canadian who had grown up on the plains of North Dakota, was chosen to lead the expedition. The Canadian government directed Stefansson that "any new or partly unknown lands which the expedition would touch would be observed, position fixed, and the British flag would be planted on these lands."[39]

Stefansson's flagship was the whaler *Karluk* under the mastery of Captain Robert A. Bartlett. Bartlett was a U.S. citizen who had commanded the ship *Roosevelt* for the Peary and Henson expedition to the North Pole during the years 1905 to 1909. The *Karluk* suffered the tragic fate of other vessels and became caught in arctic ice, drifted west along the north coast of Alaska, and eventually sank. For two months the survivors walked south across the polar ice cap, arriving at Wrangell Island on 12 March 1914. Two members of the ship's crew, John Munro and Robert Templeman, raised the Canadian flag over Wrangell Island in celebration of Dominion Day, 1 July 1914.

Of course, Wrangell Island had already been formally claimed by the United States, and the previous establishment of U.S. sovereignty served to cut off subsequent rival claims. Furthermore, Great Britain had transferred jurisdiction of her rights to islands in the Arctic Ocean to the Canadian Government in 1880.[40] Therefore, whatever pretention to sovereignty Great Britain might have had to Herald and Wrangell Islands by virtue of the voyage of the H.M.S. *Hearld* in 1849, or the landing on Wrangell in 1914, now belonged to Canada.

[illegible] shipwrecked members of the *Karluk* recognized the prior discovery of Wrangell Island. Bartlett later wrote that "we passed Hooper cairn, which was built by a party from the U.S. Revenue cutter *Corwin* in August, 1881. The cairn, as I could see, was still intact."[41]

Captain Bartlett and an Eskimo crew member, Kakatovik, walked across the ice pack to summon help. Upon Bartlett's reaching Alaska, Captain William E. Reynolds, U.S.R.C.S., immediately ordered a rescue attempt. On 7 September 1914 the American ship *King and Wing* picked up the happy survivors on Wrangell Island (Figure 1). Not knowing that the *Karluk* survivors had already been rescued, the *Thomas Corwin* landed at Wrangell a few days later. The same ship that thirty-three years earlier had carried Hooper to claim the island, re-established the flying of the U.S. flag over Wrangell Island.

After the *Karluk* survivors were transferred to the U.S. Revenue Cutter *Bear*, they were transported to the ship's home port of Unalaska where the port commander, William Reynolds (who in 1881 had landed on Wrangell with Hopper) told Bartlett that the island was indeed part of Alaska.

On 13 November 1916 a challenge to U.S. sovereignty over Wrangell Island came from a different source. The Imperial Russian Embassy in Washington presented a memorandum to the U.S. Department of State regarding Russia's claim to lands in the Arctic. It claimed that Wrangell Island, Alaska, was one of the islands which "form an extension Northward of the Continental [illegible]eland of Siberia."[42] This argument, like [illegible] of the sphere of influence, continuity, [illegible]tor theory to the Pole has no validity [illegible]nternational law.[43] Before this claim could again be pressed the Imperial Russian Government was overthrown by the Bolsheviks. World events were to continue to play a major part in the issue of sovereignty over Wrangell.

On 7 July 1918 Allied Commanders, and an army that included Japanese troops, assumed protection of the city of Vladivostok. The threat of the Japanese taking an imperialistic hold in eastern Siberia caused concern, just as the expansion of power by the Bolsheviks had done formerly. In 1920 Stefansson became worried that the Japanese government, in their desire to control eastern Siberia, might try to take Wrangell Island. He observed, "I felt certain that within a year of two they would realize the coming importance of Wrangell Island and would occupy it."

Great Britain, Japan, and the United States were allied against the Bolsheviks. However, if the Japanese (future Pacific rivals to the United States) were to occupy Wrangell Island, it would be difficult to oust them in favor of the Bolsheviks. Therefore, Stefansson met in Ann Arbor, Michigan, with Allen Crawford, a Canadian, and Sir Auckland Geddes, British Ambassador to the U.S., for the United Kingdom to plan an expedition to secure Wrangell Island and also to promote their own economic interests.

Crawford led a party that included four Americans on the American ship *Silver Wave*. When they landed on Wrangell Island on 15 September 1921 the crew raised the Stars and Stripes over the island under Captain Jack Hammer's direction. On 16 September 1921 Crawford raised the Union Jack over Wrangell "in the name of the King and the Empire" as a continuation of Stefansson's "right to the island already established by the Stefansson Canadian Arctic Expedition of 1913–18 and the shipwreck of the *Karluk*."[44] He did not tell anyone aboard the *Silver Wave* that he had raised the British flag over the island.

In 1922 it became *cause célèbre* in the British and American press that Stefansson and company had "claimed" Wrangell Island, Alaska, as part of the United Kingdom. Anglo-American relations became strained over an island in which Great Britain had shown no interest since the discovery of Herald Island in 1849.

The Crawford party landed with provisions for only six months, saying they planned to sustain themselves with hunting. Stefansson's relief mission in 1922 was blocked by ice floes. When Harold Noice arrived aboard the relief ship *Donaldson* on 20 August 1923 only an Eskimo seamstress named Ada Blackjack survived of the original group. A new party led by Charles Wells of Uniontown, Pennsylvania, continued settlement of the island.

When Stefansson realized in 1924 that the Canadian government would not back a sovereignty claim as to *dominium directum* rights he sold his title and his *dominium utile* interests in Wrangell Island to the Lomen Brothers company of Nome, Alaska (Figures 2(a) and 2(b)). On 13 May 1924 Secretary of State Charles Evans Hughes declared that the Lomen Brothers were the owners of the island (Figure 3). On 18 June of that year, the British Colonial Secretary stated in a confidential dispatch: "The United States Government is thought to have a strong, if not indisputable, claim to the Island."[45]

On 20 August 1924 the Soviet gunboat *Red October* landed on Wrangell Island, armed with a six-pound cannon and a company of Soviet infantry. The Soviets took Wells by force and the other thirteen Americans on the island and told them they were being taken to Alaska. Instead they were forcibly taken to Vladivostok.[46] The Soviet officials confiscated all the pelts which the trappers had accumulated during the twelve bitter months on the island.[47] Following intervention by the U.S. Consul at Harbin, Manchuria, the Soviets released the twelve Americans still living. The Bolsheviks claimed that Wells had died of pneumonia. His diary was never found.

A year later the Soviets proclaimed Wrangell Island as their territory. But in 1930 the U.S. Department of the Interior publication entitled *Boundaries, Areas, Geographic Centers and Altitudes of the United States and the Several States* expressly included Wrangell Island as an American possession. Since that time no abandonment by the U.S. of its rightful sovereignty has occurred, nor under international law could such abandonment occur following a deprivation of sovereignty by force.

Besides the abducting of Americans on Wrangell Island, the Russians violated federally promulgated Alaskan law that prohibits the exercise of foreign jurisdiction. The Alaskan Organic Act of 1884 adopted Oregon law, which in turn had adopted the Iowa Territory prohibitions against foreign governmental interference with American sovereignty.[48]

In 1973 the State Department reissued the *Hackworth Digest of International Law* which explained, "The United States has not relinquished its claim to Wrangell Island." In the centennial year of the American landing on Wrangell, the United States government's position has not changed. Captain Hooper formally claimed Wrangell Island on 12 August 1881 and the U.S. established effective occupation until the Soviet invasion.

FOOTNOTES

* Dr. Nolan Assistant Counsel to the President of the United States.

** Mr. Seidenberg is Vice-President of an American corporation, living in Seal Beach, California.

[1] The island has also been spelled Wrangel and Vrangel. The U.S. Board of Geographic names, by resolution named 29 July 1901 determined that Wrangell Island, Alaska, in the Arctic Ocean should be spelled with two l's. The island was named in tribute to Ferdinand Petrovich von Wrangell who spelled his own name with two l's when he wrote in the Roman alphabet.

[2] Dermot Cole, "Now We're Losing Wrangel Island." *Fairbanks Daily News Miner*, 1 October 1977.

[3] David Mountfield, *A History of Polar Exploration* (New York: The Dial Press, 1974), pp. 15–16, 19–20.

[4] Ibid., p. 23.

[5] Ibid., pp. 27, 33.

[6] Ibid., pp. 33–39.

[7] Leonid Vasilevich Gromov, *Ostrova Beringova Moria* (Moskva: Gos izd-vo geogr. lit-ry, 1960).

[8] Ibid.

[9] Lieutenant Baron Ferdinand Petrovich von Wrangell, I.R.N., *Narrative of an Expedition to the Polar Sea in the Years 1820–1823*, ed. Major Sir Edward Sabine, R.A. (London: James Madden and Co., 1840) pp. 342–359.

[10] "Wrangell Island," *The Geographical Journal*, Vol. 62, No. 6, (December, 1923), p. 441.

[11] Leopold McClintock, *The Voyage of the Fox: Discovery of the Fate of Franklin* (London: J. Murry, 1908).

[12] Bertold C. Seaman, *Narrative of the Voyage of the Herald during 1845–51*, (London: Reeve & Co., 1853), pp. 115–116.

[13] Wilhelm Heine, *Di Expedition in die Seen von China, Japan and Ochotsk under Commodore Colin Reinpold und Commodore John Rodgers. In auftrage der Regierung der Jahren 1853 bis 1856* (Leipzig: H. Conrtenoble, 1858–59).

[14] Evgenni Evgenievich Shevde "Ostrov Vrangelya" *Morskolsornik* God 76, No. 9 (Sept. 1923) pp. I-xiv.

[15] 31 August 1852 (10 Stat. L. 100).

[16] 8 Stat. L. 252.

[17] Francisco Antonio Mourelle, *Journal of a Voyage in 1775* (London, 1781).

[18] John J. Underwood, *Alaska: an Empire in the Making* (New York: Dodd, Mead, 1913) p. 265. It should be noted that Prof. William R. Hunt of the University of Alaska, in his book, *Alaska: A Bicentennial History* (New York: W. W. Norton & Com-

pany, Inc. and Nashville: American Association for State and Local History, 1976), p. 30, erred in ascribing the ukase to "Alexander II" (Tsar Alek[illegible]kolaevich of Russia).

[illegible] t. L. 302. For background information con[illegible] counter claims of sovereignty to the [illegible] County read Thomas Falconer, *Oregon Questions; or a Statement of the British Claims to the Government of the United States of America*, 2nd Ed. (London: Samuel Clerk, 1845), and Travers Twiss, *The Oregon Question Examined* (London: Longman, Brown, Green and Longman, 1846).

[20] 15 Stat. L. 539.

[21] The name Alaska was gradually established for this region by local use while the Russians officially designated it Russian America. The name Alaska was proposed for official acceptance by W. H. Seward, Hon. Charles Sumner, and Maj. General H. W. Halleck after the U.S. Government took possession of the region.

[22] Bretton G. Sciaroni, *The U.S. Claim to Wrangell Island*, Contract Study (No. 1722-620057) prepared for the U.S. Department of State on February 4, 1976, p. 30. Also see, P. M. Anderson, "Memorandum" (November 25, 1924), M. S. Department of State, file 861.0144/75 and S. Wittemore Boggs "Delimination of Seward Areas under National Jurisdiction," *American Journal of International Law*, 45, No. 2 (April, 1951), p. 240, fn 2.

[23] Captain Thomas Long, "Artic Land Discoveries," *The Pacific Commercial Advertiser* (Honolulu), 9 November 1867.

[24] "A Polar Continent: Reported Discovery of a Polar Continent in the Arctic Ocean," *New York Times* (7 December 1867); William W. Wheridens, "The New Arctic Continent or Wrangell's Land" (Chicago: American Association for the Advancement of Science, August 1868); K. M. Baer, "Nesholho slov po povodu novothritoy Vrangelyevshoy zemly", *Izvesti Russhoro Georgrafichesh[illegible]ovo Obsh[illegible]estva*, (1968), V4, N7, pp. 333-349.

[25] J. E. Nourse, *American Exploration in the Ice Zones*, (Boston: D. Lothrop and Company), pp. 365-66 and David Mountfield, *A History of Polar Exploration* (New York: Dial Press, 1974), pp. 123-124.

[26] Formal letters of 17 and 24 March 1877 between Secretary of War George W. McCrary and Secretary Treasury, John Sherman, National Archives of the Adjutant General (Microcopy [illegible] reel No. 358).

[illegible] national law has also recognized the status of private individuals to claim sovereignty on behalf of their country. *A fortiori* Hooper in his official capacity had no less authority regarding Wrangell Island than in his validly ordered claim of Wake Island on behalf of the United States in 1898, while in transit after the Spanish American War as a member of U.S. Pacific forces.

[27] Muir, *The Cruise of the Corwin*, pp. 140-158; Hoper, *Cruise of the Corwin*, 1881, pp. 53-54.

[28] Nelson, *Congressional Record, Senate*, 22 March 1922, p. 4261, col. 2.

[29] William Reynolds, *Congressional Record, Senate*, 25 March 1922, p. 4538, col. 2. Also included under these papers sent from the Secretary of Treasury Andrew W. Mellon to Secretary of State Charles Evans Hughes, 13 April 1922, M.S. Department of State, file 861.0144/7.

[30] Hooper, *Cruise of the Corwin*, 1881, p. 70.

[31] "Wrangel Land: A Description of the Island by a Visitor" *San Francisco Chronicle* (18 August 1882), p.3.

[32] Nelson, *Congressional Record, Senate*, 22 March 1922, p. 4261, col., stated the "Rogers Party took possession of the island by right of [Captain Long's] discovery, and that was within a space of a few weeks [of the *Corwin* party taking possession for the United States Government]."

[33] In 1900 the U.S. Geological Survey, at the direction of Henry Gannett, issued U.S. Geological Survey Bulletin No. 169 which included Wrangell Island of the Arctic as part of Alaska. Gannett is known as the father of American map making, and was the Chief Geographer of the U.S.G.S., having started in 1882.

[34] Jean Denuce "les expeditions polaires depuis 1800." Bulletin de la Societe Royale de Geographie D'Anvers (Anvers: J. Van Hille-De Bocher, 1911), p. 336. Also see: Charles Herbert Stockton, "The Arctic Cruise of the USS *Thetis* in the summer and autumn of 1889," *National Geographic Magazine* (1890), v. 2, No. 3, p. 194, and D.W. Knox, Captain, U.S.[illegible] (Ret.), letter to Lt. Comdr. F.W. Mead, [illegible]ret.) dated 31 October 1933.

[illegible]om Point was named by Lt. R.M. Berry, [illegible]. 1881 after H.M.S. *Blossom*.

[illegible]d. Starokadomskiy, *Charting the Russian Northern Sea Route: The Arctic Ocean Hydrophic Expedition 1909-1915*; ed. and trans. William Barr, (Montreal: Arctic Institute of North America and McGill-Queen's University Press, 1976) pp. 60-64; Nikolai Nikolaevich Alekseev, "Ostrov Vrangelya," *Bulletin of the Far Eastern Branch of the Academy of Sciences of the U.S.S.R.* (Vladivostok: 1932) No. 3-4, p. 83; L.V. Gromov, *Ostrov Vrangelya* (Magadan: 1961) p. 24; Vilhjalmur Stafansson, "The Russian Visit to Wrangel Island," appendix 9, *The Adventure of Wrangel Island*, op. cit., pp. 393-394.

[41] Vilhjalmur Stefansson, The Adventure of Wrangel Island, pp. 50-51.

[42] Order-in-Council, approved 22 February 1913.

[43] Gordon W. Smith, "The Transfer of Arctic Territories from Great Britain to Canada in 1880, and some related matters, as seen in official correspondence," *Arctic*, March, 1961, Vol. 14, No. 1, pp. 53-73.

[44] Bartlett, *The Last Voyage of the Karluk*, op. cit., p. 173.

[45] The note of 13 November 1916 stated in part:

"Le Government IMPERIAL profite de cette occasion pour faire ressortir quil considere aussi comme faisant partie integrante de l'Empire les illes Henriette, Jeannette, Bennett, Herald et Oujedinemia, qui forment avec illes Nouvelle Siberie, Wrangel et autres situees pres la cote asiatique de l'Empire, une extension vers le nord de la plate forme continentale de la Siberie.

Le Government IMPERIAL na pas juge necessaire de joindre a la presente notification les ilcs Novaia Zemlia, Kologouev, Kolgouev, Waigatch et autres de moindres dimensions situees pres la cote europeene de l'Empire, etant donne que leur appartenance aux territories de l'Empire se trouve depuis des siecles universellement reconnue.

[46] "It should be noted that unsupported claims advanced by the Imperial Russian Government in the above note were rejected by the United States in 1902, as part of the "Whaling and Sealing Claims Against Russia." Herbert H. D. Peirce, *Foreign Relations of the United States, 1902*, Appendix 1, (Washington, GPO, 1903), pp. 18 and 107. Fedor Fedorovich Martens, the legal counsel for the Imperial Russian Ministry of Foreign Affairs, rejected the notion that Russian sovereignty extended northward into the Arctic. He contended that the marginal seas north of Russian mainland were *Mare Liberum* from the judicial point of [illegible]iew. F. F. Martens, "Du territoire de l'etat", *Traite de droit international*, trans. Alfred Leo, Paris: 1883) v. 1, pp. 495 498.

[47] Stefansson, *The Adventure of Wrangel Island*, op. cit. p. 95.

[48] Ibid. pp. 128-131.

[49] Colonial Secretary to Governor General, confidential dispatch No. 537, Cited in Bretton G. Sciaroni, *The U.S. Claim to Wrangel Island*, Contrast Study No. 1722-620057 prepared for the Department of State on February 4, 1976, p. 15.

[50] Affidavit of 22 March 1977 by Hilda Koonuknowrunk Weber, one of the American prisoners.

[51] *Japan Advertiser*, 27 January 1925.

[52] On 7 May 1884 the U.S. Congress passed "An Act providing a Civil Government for Alaska", c. 53, 23 *Stat. at Large 24*. That act adopted Oregon law providing it does not conflict with other provisions of Alaskan law. This Act extended to Alaska "An Act Adopting the Statutes and Laws of the Territory of Iowa and the Common Law." *Oregon Acts and Laws Passed by the House of Representatives at a Meeting Held in Oregon City, August, 1845* (New York: N.A., Phemister Company, 1921) p. 16. It should be remembered that the Act of 12 August 1845 became part of the laws of the Territory of Oregon through "An Act to Establish the Territorial Government of Oregon", of 14 August 1848, c. 177, *Stat. at Large 323* (known as the Oregon Organic Act. Laws of the Territory of Iowa, passed at the Extra Session of the Legislative Assembly, begun and held in the City of Burlington: J. H. M. Kenny, 1840, and Des Moines: Historical Department of Iowa, 1902) c. 85.

EXHIBITS 3

THE VOYAGE OF THE JEANNETTE—THE SHIP AND ICE JOURNALS OF GEORGE W. DELONG, LIEUTENANT-COMMANDER U.S.N., AND COMMANDER OF THE POLAR EXPEDITION OF 1879-1881

The party landed on the island on Thursday, June 2d (Friday, June 3d), hoisted our silk flag, took possession of the island in the name of the Great Jehovah and the United States of America, and, agreeably to my orders, named it Henrietta Island. They build a cairn and placed within it the record which I send with them, and made as much examination of the island and search for vegetation as their limited stay would permit. The island is a desolate rock, surmounted by a snow-cap, which feeds several discharging glaciers on its east face. Dovekies, nesting in the face of the rock are the only signs of game. A little moss, some grass, and a handful of rock were brought back as trophies. The cliffs are inaccessible, because of their steepness. The ice between the ship and the island is something frightful. Road-digging, ferrying, and is attendant loading and unloading, arm-breaking hauls, and panic-stricken dogs made their journey a terribly severe one. Near the island the ice was all alive, and Melville left his boat and supplies, and carrying only a day's provisions and his instruments, at the risk of his life went through the terrible mass, actually dragging the dogs, which from fear refused to follow their human leaders. If this persistence on landing upon this island, in spite of the superhuman difficulties he encountered, is not reckoned a brave and meritorious action, it will not be from any failure on my part to make it known. I issued a general order communicating the names and positions of the two islands: Jeannette Island (our discovery of May 16th), in latitude N. 76°, longitude E. 158° 56'; and Henrietta Island (our discovery of May 24th), in latitude N. 78° 8', longitude E. 157° 43'; and in the evening I ordered a double ration of whiskey served out forward. At ten a.m. I read the Articles of War and inspected the ship, and at 1:30 p.m. I read divine service.

EXHIBIT 4

GEOLOGICAL SURVEY NO. 187 SERIES F, GEOGRAPHY, 27

Bennett; island, in the Arctic ocean, north of the New Siberian islands. Discovered by De Long, in 1881, and named by him, after Mr. James Gordon Bennett.

Henrietta; island, in the Arctic ocean, north of the New Siberian islands. Discovered and so named by De Long in 1881.

Herald; island (856 feet high), east of Wrangell island, Arctic ocean. Discovered and landed upon in July, 1849, by Captain Kellett, of H.M.S. *Herald* and named by him after his ship.

Jeannette; island, northeast of the New Siberian islands, Arctic ocean. Discovered by De Long, in 1881, and named by him after his ship *Jeannette*.

Wrangell; island, off the northern shore of Siberia, northwesterly from Bering strait. The existence of this land was reported by natives, in March and April, 1823, to Baron von Wrangell, who then made an unsuccessful search for it. It was first clearly seen and its shore delineated by Capt. Thomas Long, of the New London whaling bark *Nile*, in August, 1867, and by him called Wrangell's Land. From that date to 1881 it was shown on maps as the south end of a tract extending indefinitely northward and, by some, thought to connect with Greenland across the north pole. Its insular character was established by Berry, in 1881, and since that time it has borne the name of Wrangell island. Possibly Plover island of Kellett, in 1849, may be some peak of this island seen from afar.

EXHIBIT 5

BOUNDARIES, AREAS, GEOGRAPHIC CENTERS AND ALTITUDES OF THE UNITED STATES AND THE SEVERAL STATES

WRANGELL ISLAND

Wrangell Island is in the Arctic Ocean, about 100 miles from the Siberian coast. A harbor in the southeastern part is in latitude 70° 57' N. and longitude 178° 10' W. The island is about 80 miles long and 30 miles

wide. Its highest point is 2,500 feet above sea level. It was sighted in 1867 by the captain of a United States sailing vessel. In 1881 officers from United States naval vessels [illegible] on the island and claimed it for the United States.[1] According to newspaper reports of October 4, 1926, the Soviet Government had landed a colony of 50 persons on this island, hoisted the Russian flag, and claimed it for that country. An airplane survey is said to have been made and the area found to be 2,925 square miles.

BENNETT, HENRIETTA, AND JEANNETTE ISLANDS

Bennett, Henrietta, and Jeannette Islands were discovered by the DeLong polar expedition and claimed for the United States in 1881, but were only partly explored.

Bennett, the largest of the three, is about 300 miles from the mainland of Siberia, in latitude 76° 38' N., approximate longitude 149° E. This island probably has an area of several hundred square miles, possibly more than 1,000, and altitudes above sea level of 300 feet or more.

Henrietta Island is in latitude 77° 8' N., longitude 157° 45' E., and Jeannette Island in latitude 76° 47' N., longitude 158° 56' E.; each has an area of approximately 50 square miles and an altitude of more than 500 feet.[2]

EXHIBIT 6

[From the Laurinburg (NC) Exchange, June 5, 1985]

U.S. CONSIDERS RELINQUISHING CONTROL OF ALASKAN ISLANDS

"The State Department appears ready and willing to surrender five strategic Alaskan islands and hundreds of thousands of square miles of oil-rich Alaskan outer continental shelf to the Soviet Union without full public debate and Senate ratification of [illegible]ty," according to Carl Olson, Executive President of The Conservative [illegible] Research, Analysis & Education [illegible]ation, Inc., of Vienna, Virginia.

"This giveaway of literally billions of barrels of America's oil reserves and Alaskan sovereign territory makes the Panama Canal fiasco look insignificant in comparison," Olson declared.

This giveaway was the subject of a high-level State Department delegation which went to Moscow for the week of July 23-27, headed by the department's Legal Adviser Davis Robinson and supported by his staff members Elizabeth Verville and Scott Hajost, and by Harry Marshall and Richard T. Scully of the department's Bureau of Oceans and International Environmental and Scientific Affairs, and by Robert W. Smith of the office of the Geographer.

The enormous size of the giveaway of strategic oil reserves is reflected in official Department of the Interior estimates. The oil-rich outer continental shelf off Alaska is equal in area to six Californias—or three-quarters of the entire U.S. outer continental shelf. Seabeds equal to about twice the size of California lie to the east of the 1867 Convention Line, and seabeds equal to about four Californias lie to the west in the vicinity of the Alaskan islands of Wrangell, Herald, Bennett, Henrietta, and Jeannette. The estimated hydrocarbon reserves of the seabeds to the east of the 1867 Convention Line are 12.2 billion barrels of oil equivalent. (The Navarin Basin alone contains 1.9 billion barrels of reserves.) To the west of the 1867 line, which has twice the area, the reserves have not been officially estimated, but it would not be unreasonable to place them at twice the amount for the area to the east of the line. Or, in other words, the State Department is contemplating giving away about 25 billion barrels of oil equivalent to the Soviets.

The State Department's basis for the giveaway involves its novel (and incorrect) portrayal of the "U.S.-Russia Convention Line of 1867", which was used in the purchase of Alaska from Russia in 1867 for $7,200,000.

This stance by the State Department appeared in the Federal Register notice of the leasing of the Navarin Basin (p. 10065, March 16, 1964). In paragraph 16, under the heading "Jurisdiction", was the following language: "The differing claims relate to differing depictions of the line established by the 1867 Conventions Ceding Alaska between the United States and Russia. The United States depicts the 1867 Convention Line as the maritime boundary by arcs of great circles while the Soviet Union depicts the 1867 Convention Line as rhumb lines." There is no question in the State Department's position that the 1867 Convention Line is "the maritime boundary".

Contradicting this characterization is a mass of historical evidence and even the State Department's own words. In the State Department's International Boundary Study No. 14 (revised 1965) on "U.S.-Russia Convention Line of 1867", the language is very clear:

"Rather than a boundary per se, this report concerns a convention line which ordinarily appears on official maps in the same manner as a boundary * * *

"Furthermore, in keeping with the policy that the line does not constitute a boundary, the standard symbol for the representation of an international boundary should never be used."

So far, the State Department has failed to explain how the United States has relinquished its claim to the islands and seabeds between 1965 and 1984. No treaty, agreement, or other public understanding had been cited for this surrender of American sovereignty.

Even as late as 1978 the noted authority Dr. William E. Butler, Professor of Comparative Law at the University of London, wrote in the book International Straits of the World, Volume 1 "Northeast Artic Passage as follows: "The Russo-American Convention Line of 1867 is not regarded as a state frontier, and the continental shelf boundary in the Chukchi Sea and northward remain to be negotiated."

The five Arctic Alaskan Islands—Wrangell, Herald, Bennett, Henrietta, and Jeannette—were never considered in the purchase of Alaska. Four has not yet been discovered in 1867. Americans discovered and claimed them on Arctic expeditions in following decades. Herald Islands was discovered and claimed by the British in 1849, and was later acquired by the United States.

Bennett, Henrietta, and Jeannette Islands were discovered and claimed by U.S.N. Commander George Washington DeLong aboard the Jeannette in the 1879-81 expedition. The islands still bear his name (the DeLong Islands), and the U.S. Naval Academy in Annapolis has a monument to that expedition.

Wrangell Island, the largest of the five with an area of 2,800 square miles (the size of Rhode Island and Delaware combined), was discovered and claimed on August 12, 1881, by Captain Calvin Leighton Hooper aboard the U.S. Revenue Marine (Coast Guard) ship Thomas Corwin. Among the landing party on Wrangell Island was the famed explorer John Muir, who wrote of his trip in the book, The Cruise of the Corwin. Various surveys, expeditions, and settlements were made on Wrangell Island in the next four decades by Americans. This ended when the Soviet Union invaded the island with a landing of infantry from the ship Red October on August 20, 1924, and took as prisoners the 14 Americans of the Lorven Brothers Company's fur settlement and confiscated all the gear, pelts, and other property. The 12 surviving Americans were eventually released from their imprisonment in Vladisvostok. the Soviets currently maintain slave labor camps on the island.

It is significant to note that in the State Department's reissue of the book Digest of International Law by Green Haywood Hackworth in 1973, the unequivocal settlements is made:

"The United States has not relinquished its claim to Wrangell Island."

Numerous efforts by various parties, including the owners of Wrangell Island, have been made over the decades to take back their property and collect damages for the unlawful occupation by the Soviet Union. Unfortunately, the State Department has not seen fit yet to honor those claims or even the decision by the Foreign Claims Settlement Commission in 1959 in favor of the Lorne Brothers.

"This impending giveaway of the five islands and the enormous tracts of oil-rich outer continental shelf to the Soviets demands the most searching public scrutiny and debate. It must be made in issues for a national decision-making," Olson stated. "The State Department is not empowered to surrender American real estate and seabeds. Only the Congress has that power. It must be brought up in the form of a treaty, signed by the President, and debated and ratified by the Senate in order to receive the full force of law. The Constitution cannot be ignored in this potentially massive cession of strategic American interests so close to home."

In an ironic comparison with the apparent lenient attitude that the State Department has exhibited toward the Soviets over the seabed boundaries, the State Department has adopted a hardline position toward our ally Canada in the Arctic. This position came to light with the leasing on August 22 of the Diapir Field which borders Canada. The Federal Register announcement of July 23, 1984 (p 29726) noted a "Jurisdictional Dispute" with Canada over some of the blocks being offered. Although the notice did not say so explicitly, the U.S. position is that the seabed boundary should reflect the requidistant" theory of boundaries, while this dispute continues, the three petroleum companies which bid on these leases (Union Oil Co. of Calif., Amoco Production Co. and Shell Western E & P Inc.) will have their bid money deposit lie in escrow. Their total winning bids for the four blocks totalled $6,105,000—a substantial affirmation of the rich nature of the Arctic Alaskan outer continental shelf.

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[1] See Arctic Pilot, vol. 1, p. 338, 1917; U.S. Geol. Survey Bull. 299, p. 682, 1906; U.S. Hydrographic Office Chart 906; and Problems of polar research, New York, Am. Geog. Soc., 1928.

[2] Further information regarding these islands [illegible] voyage of the *Jeannette*, ed. by Emma DeLong, vol. 2, pp. 679-689, Boston 1883, and 47th Cong., 2d sess., H. Ex. Doc. 108, p. 361, 1883.

Vol. 135 No. 99

Congressional Record

United States
of America

PROCEEDINGS AND DEBATES OF THE 101st CONGRESS, FIRST SESSION

SENATOR JESSE HELMS INTRODUCES
AMENDMENT 387 TO REQUIRE TREATY
FOR ANY BOUNDARY WITH SOVIET UNION

Exhibit 32

United States, and says "I am going to suspend an election." That is literally what he did. Certainly this country should go on record as saying come September 1 we will give the voice of the people of Panama reality by recognizing what they did in going to the polls and overwhelmingly electing Endara. That is what this sense of the Senate expresses. I send it on behalf of Senator HELMS, Senator KERRY, myself, and others.

Mr. SIMON. Will my colleague yield?

Mr. D'AMATO. Yes.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. SIMON. Mr. President, I have no objection, though I tend to think we would be much better off generally low-keying it in Panama to be more effective. But I would be interested. I note on the floor the chairman of the subcommittee dealing with Latin American affairs, Senator DODD. I do not know; has he indicated support?

Mr. D'AMATO. Mr. President, it has been cleared on both sides. We certainly call for the recognition of Endara as the duly elected President.

Mr. HELMS. Mr. President, not only do we find it acceptable on this side, but we commend the Senator for it.

Mr. McCAIN. Mr. President, may I have time yielded?

Mr. HELMS. Certainly.

Mr. McCAIN. Mr. President, I happen to be one of those who traveled to Panama for the recent elections. I watched one of the most fraudulent elections ever orchestrated in history. The Panamanian strongman, Mr. Noriega, had originally planned to employ some practices which would not have been easily detectable. Mr. Noriega discovered, much to his dismay, that despite things like busing members of the army around from one polling place to another, despite invalid voting lists and despite a variety of other corrupt practices, he was still going to lose the election. So, therefore, that evening of the election the voting list disappeared. And the Panamanian people were deprived of a basic right of any nation.

I say that the amendment of the Senator from New York that requires we recognize what was clearly a freely overwhelmingly elected government in Panama is entirely appropriate. I suggest that sends a message to Mr. Noriega that his behavior is unacceptable, and in the view not just of the United States, but every international observer in the world, the Endara-Ford ticket won overwhelmingly in Panama.

Mr. President, I support the amendment. The people of Panama deserve to have their freely elected officials recognized not only by the United States but by every other nation in the world.

I yield.

The PRESIDING OFFICER. Is there further debate on the amendment?

If not, the question is on agreeing to the amendment of the Senator from New York.

The amendment (No. 386) was agreed to.

Mr. HELMS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. D'AMATO. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 387

Mr. HELMS. Mr. President, I send an amendment to the desk and ask for its immediate consideration. It has been cleared on both sides.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from North Carolina [Mr. HELMS] proposes an amendment numbered 387.

Mr. HELMS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

It is the sense of the Senate that—

The Department of State shall submit to the Senate in treaty form for advice and consent all agreements with the Soviet Union which relate to boundaries of the United States.

Mr. HELMS. Mr. President, the purpose of this amendment is to protect the American interests in the Arctic Ocean, Bering Sea, and the North Pacific Ocean.

As I understand the Department of State is moving forward on boundary negotiations with the Soviet Union. The Department is considering whether to present the result to the Senate in treaty form or to attempt to bypass the Senate and the Constitution by means of an Executive agreement.

The pending amendment simply states that it is the sense of the Senate that the Department of State shall submit to the Senate in treaty form for advice and consent all boundary agreements with the Soviet Union.

This amendment takes no point of view on any negotiations or agreements with the Soviet Union. This amendment simply emphasizes the constitutional role of the Senate, including its advise and consent.

Over the past 8 years, the Department of State has conducted a series of secret negotiations with the Soviet Union with respect to determining our boundary with the Soviet Union. These negotiations have occurred in Washington and in Moscow. There have been nine such sessions. They will result in profound implications for the status of Wrangell, Herald, Bennett, Henrietta, and Jeannette Islands which are located in the Arctic Ocean.

The consequences of such negotiations will touch upon our strategic as well as upon our economic interests. Strategic interests involve such matters as the movement of nuclear submarines and other naval deployments. Economic interests involve such matters as undersea oil and gas reserves, undersea minerals, fisheries, and related Outer Continental Shelf concerns.

These negotiations, I am informed, have centered on the transformation of the Convention Line of 1867 into a maritime boundary line. As Senators will recall, the Convention Line of 1867 was used as a line of demarcation to indicate what the United States had purchased from the Russian Government in the Alaska Purchase—namely, territory lying east of the line.

Mr. President, the Convention Line of 1867 is not a State boundary line nor was it intended to be one. In the "International Boundary Study, No. 14, October 1, 1965, United States-Russia Convention Line of 1867" the Geographer of the Department of State specifically states and I quote:

Furthermore, in keeping with the policy that the line does not constitute a boundary, the standard symbol for the representation of an international boundary should never be used.

Mr. President, I ask unanimous consent that "International Boundary Study, No. 14, October 1, 1965, United States-Russia Convention Line of 1867" be printed in the RECORD at the end of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. HELMS. Mr. President, subsequent to the Alaska Purchase, the United States took formal possession of five islands in the Arctic Sea which were to the west of the convention line. This occurred between 1867 and 1881. The voyages during which formal possession of the islands was taken were financed by the U.S. Government and supported through acts of Congress. The islands were then listed in official U.S. publications as being part of Alaska.

American economic interests are at stake here and the Senate has a constitutional role to play in the boundary determination. Should a boundary determination be made, for example, the extent of U.S. undersea oil and gas reserves—particularly in the Bering Sea—will be affected. This involves hundreds of millions if not billions of dollars' worth of resources.

In addition, if the boundary determination is not properly negotiated, American interests in the five islands to which I have referred could be jeopardized. We must bear in mind that these islands have associated Outer Continental Shelf areas which are potentially resource rich. In addition, the location of these islands has a bearing on the activities of Soviet nuclear submarines which target the United States and operate in Arctic waters.

THE HISTORICAL BACKGROUND

Mr. President, the historical background of the U.S. discovery of and the taking of formal possession of five Arctic islands—Wrangell, Herald, Ben-

nett, Jeannette, and Henrietta—has been recorded in congressional documents as well as in official U.S. Government publications.

The fact is that the United States clearly took possession of these islands in the past. The fact is that numerous official U.S. Government documents record the historical record.

Wrangell Island because part of the United States by right of confirmed discovery during the voyage of Capt. Thomas Long, a citizen of the United States, of the baroque Nile in 1867 and by right of first posession which was formalized during the voyage of Capt. Calvin L. Hopper of the U.S. Revenue Marine steamer *Corwin* in 1881.

The Senate has printed a "Report of the U.S. Revenue steamer *Thomas Corwin*, in the Arctic Ocean," as Ex Doc. No. 204 in the first session of the 48th Congress. On page 70 of this report, Capt. C.L. Hooper, U.S.R.M., the commanding officer states, and I quote, "the island (Wrangell) had become, by our act of landing upon it and taking possession of it, a part of the territory of the United States."

Mr. President, I ask unanimous consent that an excerpt from U.S. Senate Executive Document No. 204, 48th Congress, 1st session, entitled "Report of the Cruise of the U.S. Revenue Steamer *Thomas Corwin* in the Arctic Ocean, 1881" by Capt. C.L. Hooper, U.S.R.M. commanding be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

Mr. HELMS. Mr. President, both the Senate and the House passed legislation in support of the "north polar expedition" which was organized by the well-known newspaper publisher James Gordon Bennett a citizen of the United States and owner of the New York Herald. On March 18, 1878, an act was approved by Congress which authorized the Secretary of the Treasury to issue an American register to the vessel *Jeannette* which had been purchased in Great Britain. On February 27, 1879, an act was approved by Congress which authorized the Secretary of the Navy to accept and to take charge of the ship *Jeannette* for the use of a north polar expedition. U.S. Navy Comdr. George Washington De Long was in charge of the expedition and was captain of the *Jeannettee*.

Mr. President, I ask unanimous consent that a copy of the act approved on March 18, 1878 in aid of a polar expedition designed by James Gordon Bennett, and the act approved February 27, 1879 authorizing the Navy to accept for purposes of a voyage of exploration by way of Behring's Straits, the ship *Jeannette* be printed at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection it is so ordered.

(See exhibit No. 3.)

Mr. HELMS. Mr. President, Jeannette Island was discovered on May 24, 1881, and formally taken possession of on June 3, 1881.

Henrietta Island was discovered on May 24, 1881, and formally taken possession of on June 3, 1881.

Mr. President, I ask unanimous consent that the order of George W. DeLong, lieutenant, U.S. Navy, commanding respecting the discovery of and the taking possession of Jeannette and Henrietta Islands which was printed in House of Representatives Executive Document No. 108, 47th Congress, 2d session at page 318 and the "Report of Trip to Henrietta Island—Chief Engineer George W. Melville, U.S.N." of June 6, 1881, which was printed in the above House Executive Document at pages 360-363 be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 4.)

Mr. HELMS. Mr. President, Bennett Island was discovered on July 11, 1881, and formally taken possession of on July 29, 1881.

Mr. President, I ask unanimous consent that excerpts from the log of George W. DeLong, lieutenant, U.S.N., commanding U.S. arctic expedition, which relate to the discovery of, and the taking possession of Bennette, Jeannette, and Henrietta Islands and which are included in House of Representatives, Miscellaneous Document No. 66, 48th Congress, 1st session, at pages 914-917 and 920-921 be printed in the RECORD at conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 5.)

Mr. HELMS. Mr. President, in 1881, the U.S. Navy surveyed Wrangell, Bennett, Henrietta, Herald, and Jeannette Islands for the U.S. Coast and Geodetic Survey.

The U.S. Coast and Geodetic Survey, in turn, placed Wrangell, Herald, Jeannette, Henrietta, and Bennett Islands as part of the district of Alaska.

Beginning in 1900, the U.S. Geological Survey included Wrangell, Herald, Jeannette, Henrietta, and Bennett Islands as part of the district, later the territory, and then State of Alaska.

Mr. President, there is nothing unusual about countries possessing islands far away from the mainland. France has the Amsterdam, St. Paul Islands, and Crozet Islands in the middle of the Indian Ocean. The United Kingdom has a number of islands in the South Atlantic such a the Tristan Da Cunha Group and the South Sandwich Islands. Brazil has the St. Peter and St. Paul Rocks out in the Atlantic. The list goes on and on. The point that I am making is that a number of countries have possessions far from their mainland and that our five arctic islands are nothing out of the ordinary.

ALASKA LEGISLATURE ACTIVITY

Mr. President, the situation with respect to the determination of the boundary between Alaska and the Soviet Union has not gone unnoticed in the Alaska Legislature. Many Alaskans have written to me as ranking member of the Committee on Foreign Relations expressing their deep concern over the issue of the boundary and the fate of the five U.S. islands in the arctic—namely, Wrangell, Herald, Bennett, Jeannette, and Henrietta Islands.

During 1988, the House and Senate in Alaska passed Senate Joint Resolution 12 relating to the determination of the State's boundaries with the Soviet Union and Canada. The legislation was signed into law by Alaska Gov. Steve Cowper. This legislation notes the current negotiation between the United States and the Soviet Union and petitions for the inclusion of representatives from Alaska to be included in such negotiations.

Mr. President, so that Senators might conveniently refer to the Alaska Legislature's action, I ask unanimous consent that the Senate Joint Resolution 12 in the legislature of the State of Alaska, 15th legislature, first session, be printed in the RECORD at the end of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 6.)

Mr. HELMS. Mr. President, also during 1988, the Alaska Senate passed Senate Joint Resolution 61 requesting the Government of the United States to reassert jurisdiction over Wrangell Island, Herald Island, Henrietta Island, Jeannette Island, and Bennett Island together with the surrounding Outer Continental Shelf within the American waters of the Chukchi Sea and the East Siberian Seas and to pay the State of Alaska compensation for damages for their loss.

Mr. President, I ask unanimous consent that the Senate Joint Resolution 61 in the legislature of the State of Alaska, 15th legislature 2d session, be printed in the RECORD at the end of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 7.)

Mr. HELMS. Mr. President, this amendment is, as I have said, is straighforward. It is designed to protect the Senate's role in our foreign relations as well as our strategic and economic interests in the Arctic Ocean, Bering Sea, and North Pacific Ocean. I urge Senators to support my amendment.

EXHIBIT 1

INTERNATIONAL BOUNDARY STUDY No. 14
(REVISED) OCTOBER 1, 1965

UNITED STATES-RUSSIA CONVENTION LINE OF 1867

This International Boundary Study is one of a series of specific boundary papers prepared in the Office of the Geographer, Department of State, in accordance with provisions of Bureau of the Budget Circular No. A-16, Exhibit D.

Government agencies may obtain additional information and copies of the study

by calling the Office of the Geographer, Room 8744, State Department Building, Department of State, Washington 25, D.C. (telephone: Code 182, Extension 45071).

"nited States-Russia Convention Line of 1867

ather than a boundary *per se*, this report concerns a convention line which ordinarily appears on official maps in the same manner as a boundary. According to Bowie [1] "Most lines in water areas which are defined in treaties are not boundaries between waters under the jurisdiction of the contracting parties, but a cartographic device to simplify description of the land areas involved . . .". He further describes such a line being a "line of allocation of land. For example, all land areas to the east of the Convention line in question belong to the United States; to the west to the U.S.S.R. without regard to the water areas involved.

Early in 1955, a group of U.S. cartographic experts in the ACC/MAP [2] after a rather long period of consultation and deliberation, issued the "Coordinate Positions for the Plot of United States-Russia Convention of 1867." This document, which is reproduced in part below, has been adopted as the standard description for the cartographic representation of the Convention line. Its re-issue in this series results from the large number of questions on the line which have been raised in recent months from offices unfamiliar with the original document.

II. Treaty

The only treaty establishing a so-called "boundary" between the United States and the modern Union of Soviet Socialists Republics is the Convention Ceding Alaska concluded March 30, 1867 with ratification advised by the Senate on April 9, 1867 and proclaimed by the President on June 30, ". The Convention line, as given below, s the limit, to the east of which, the eror of Russia ceded all territor / or ...ims to territory in North America. The 1867 Convention's territorial article on the western limits of the Alaskan cession reads as follows: "The western limit within which the territories and dominion conveyed, are contained, passes through a point in Behring's straits on the parallel of sixty-five degrees thirty minutes north latitude, at its intersection by the meridian which passes midway between the islands of Krusenstern, or Ignalook, and the island of Ratmanoff, or Noonarbook, and proceeds due north, without limitation, into the same Frozen Ocean. The same western limit, beginning at the same initial point, proceeds thence in a course nearly southwest, through Behring's straits and Behring's sea, so as to pass midway between the northwest point of the island of St. Lawrence and the southeast point of Cape Choukotski, to the meridian of one hundred and seventy-two west longitude; thence, from the intersection of that meridian, in a southwesterly direction, so as to pass midway between the island of Attou and the Copper island of the Kormandorski couplet or group, in the North Pacific ocean, to the meridian of one hundred and ninety-three degrees west longitude, so as to include in the territory conveyed the whole of the Aleutian islands east of that meridian."

In the Convention, 193° West Longitude coincides, of course, with 167° East Longitude. The modern names for selected places mentioned in the Convention are as follows:

Convention Name	Modern Name
Krusenstern or Ignalook	Little Diomede Island
Ratmanoff or Noonarbook	Big Diomede Island or Ostrov Ratmanova
Frozen Ocean	Arctic Sea
Cape Choukotski	Mys Chukotskiy
Attou Island	Attu Island
Copper	Ostrov Medeyy
Kormandorski couplet	Kormandorskiye Ostrova

III. Summary

The wording of the Convention is rather precise. The principal question left unsolved is whether the lines between the fixed points should cartographically be expressed as "rhumb lines" or as "great circle lines". It was decided that great circle lines should be understood by the Convention wording of "straight lines" on the earth and the ACC/MAP group resolved: "The lines between points herein described are great circles except those lines which connect adjoining points on the same parallel shall follow the parallel." [3]

The Coordinate Positions for the Plot were listed as follows:

COORDINATE POSITIONS FOR PLOT OF UNITED STATES-RUSSIA CONVENTION LINE OF 1867

Point	Position	
	Latitude	Longitude
Mys (Cape) Chukotski, southeast extremity	64° 14'.2 N.	173° 05'.5 W
St Lawrence Island, northeast extremity	63° 47'.3 N.	171° 45'.3 W
Medeyy (Copper Island) eastern extremity	54° 32'.2 N.	168° 00' E
Attu Island, western extremity	52° 55'.3 N.	172° 26'.8 E
Initial Turning Point	65° 30'.0 N.	193° 58'22".587 W [4]
Turning Point No. 2	64° 12'.3 N.	172° 00' W
Mid Point between Medeyy and Attu Island	53° 45'.8 N.	170° 15'.0 E
East Point, southwestern extremity of Convention line	58° 39'.4 N.	167° 00' E
5° increments of longitude along great circle arcs	65° 04'.2 N.	170° 00' W
	62° 59'.4 N.	175° 00' W
	58° 33'.5 N.	180°
	57° 28'.0 N.	175° 00' E
	53° 31'.8 N.	170° 00' E
Starting point of Convention Line	72° 00' N.	168° 58'22".587 W

[4] This value was given erroneously in the distributed ACC/MAP minutes as 168° 58' 22".587 W and copied in the original edition of this study instead of the correct value, 168° 58' 22" .587 W.

It should be noted that the original Convention language stated that the line "proceeds thence due north, without limitation, into the same Frozen Ocean". Since the United States does not support so-called "sector claims" in the polar regions, the northernmost point for the representation of the Convention line was agreed to be 73°00' N. Further more in keeping with the policy that the line does not constitute a boundary, the standard symbol for the representation of an international boundary should never be used. Furthermore, labeling of the line as "U.S.-Russia Convention of 1867" is recommended.

The plotted points, it should be remembered, are subject to minor modification resulting from improved surveys, changes in datum, alteration in the sheroid, etc.

EXHIBIT 2

REPORT OF THE CRUISE OF THE U.S. REVENUE STEAMER "THOMAS CORWIN," IN ARCTIC OCEAN, 1881.

(By Capt. C.L. Hooper U.S.R.M.)

* * * We had 15 fathoms of water, with sticky bottom, and judged ourselves to be about 8 miles from the land. I believed that no great difficulty would be encountered in crossing on the ice to the land. Lieutenant Reynolds, Assistant Engineer Owens, Professor Muir, Mr. Nelson, and Coxswain Gessler, having volunteered, were very anxious to make the attempt, but, owing to the mist and fog, which was rapidly shutting out the land from our view, and the uncertainty of holding our position in the lead, I was compelled to withhold my consent at that time, but determined to try to hold on in the lead until the fog should clear away. We observed the set of the current to be northeast, about one knot per hour. Running back to the eastward a short distance, to where the lead was about 3 miles in width, we came to with the kedge, in 19 fathoms of water.

The constant changes taking place in the position of the lead, owing to the set of the current, necessitated changing our position several times during the night to avoid the ice. We got underway at 4 a.m. (August 12). The mist began to clear away, giving us occasional glimpses of the snow patches that lined the cliffs. We had made all necessary preparations for crossing on the ice; the skin boat had been placed on runners, and arms, ammunition, provisions, &c., served out. At 4:30 we reached the end of the lead, which we judged to be 8 miles from the land, and which we found by bearing of points on shore that we could recognize as those we had observed the night before to have changed their position to the northward 8 miles during the night. The ice appearing to be much less closely packed than on the previous evening, I determined to shorten up the journey over the ice by pushing in with the vessel as far as possible before embarking the party. Accordingly we entered the ice at 5:30 and worked in the direction of the place where the land appeared low, with high, dark-looking cliffs on each side. The ice, which was quite heavy, continued to open as we advanced, until, at 6:30, we could see the shore line distinctly, and, in the direction in which we were steering, what appeared to be a small space of open water adjoining the land. As the ice still remained sufficiently open to admit of forcing a way through it at the expenses of a good deal of hard bumping, squeezing, and pushing, hopes were entertained of reaching the open space of water with the vessel. The last 2 or 3 miles were made with a good deal of difficulty. Inside of the 10 fathom curve we found much of the ice aground, while the floating portion was drifting past and occasionally shooting up over the top of the grounded pieces. Navigation under such circumstances was anything but safe or agreeable. However, we felt that the land was certainly within our reach, and thought of nothing but pushing ahead. At 7.30 we reached the open space and dropped anchor within a cable's length of the land in 5 fathoms of water. We immediately landed and, raising the American flag, took possession in the name of the United States of America. We landed at the mouth of a river, which at this time was about 75 yards in width, although the entire distance between its banks was about 200 yards. The cliffs in the vicinity of our landing place were of a dark slate formation, and from 100 to 300 feet high. On the beach small pieces of sandstone, quartz, and mica schist were found. The surface of the land where the slate has weathered away is composed of sticky clay, and is but sparsely covered with vegetation. As observed from the ship, while cruising in the vicinity and also from the shore, it presents the general appearance of smoothly-rounded hills, which, towards the interior and near the south side, are from 1,000 to 3,000 feet in height. The upper portion of

[1] ...ES, S.W., "Delimitation of Seaward Areas National Jurisdiction," American Journal of ...national Law, Vol. 45, No. 2 April 1951, foot...ote 2, page 240.

[2] The Map Sub-Committee of the Air Coordinating Committee.

[3] The actual wording applied to ADIZ boundaries in the vicinity of the Convention line. The significant point is made first and applied to the Convention line.

the higher hills appeared more rugged in outline, as if composed of more enduring material, probably granite. These summits resemble those seen on the Siberian coast in the vicinity of Plover Bay, being entirely destitute of vegetation, with occasional red patches probably indicating the presence of iron. Those near the coast are remarkable for the smoothness and beauty of their outlines, and present here and there patches of green or gray, according to the nature of the vegetation. On the beach near the mouth of the river we found a kyack paddle, a cask-stave, a piece of small spar, probably part of a boat's mast, and a piece of board about a foot in length bearing ax-marks. All these things were below the marks of extreme high water, and were undoubtedly brought there by the current. Although the beach showed undoubtedly signs of a rise and fall of tide, no tidal change could be detected, probably owing to the fresh southerly wind which was blowing. The presence of this drift matter on the beach would seem to indicate that the east coast of Wrangel Island was at times entirely free from ice, though it does not necessarily follow, as it could easily have been carried through the pack to the shore by the constant twisting and turning to which it is at all times subject. I believe that it is a very unusual thing for the ice to leave any portion of Wrangel Island entirely. Our stay on shore was necessarily short on account of the strong northerly current, which was sweeping the icepack along with irresistible force. Much of the ice inside of 10 fathoms, as stated, was aground, but not sufficiently firm to form any protection from the drifting mass, the largest pieces of which were constantly being pushed and turned in every direction when struck by the drift, and the utmost vigilance was required to avoid getting caught between the drifting and grounded masses. At 9:30 a. m., being unable to maintain our position any longer, a gun was fired to recall the parties sent out to explore the cliffs in search of cairns or other signs of human life, and we began to work out towards the lead, which we reached at 11 a. m. We left the American flag flying and also a record of our visit. We had good observations during the day, and found our landing-place to be in latitude 71° 40' north and longitude 177° 40' west. This is undoubtedly the part of the land seen by Captain Kellett, R. N., in 1849, when he discovered and landed on Herald Island, and which since appeared on the British Admiralty charts as Plover Island, although erroneously laid down somewhat further to the eastward. We now know that Plover Island has no separate existence, and that what Kellett saw was the main island. As there is no record of any one else having seen the land previous to that date, or in fact until several years after, when, in 1876, it was seen by nearly the entire whaling fleet, all must accord to Captain Kellett the honor of its discovery.

While steaming through the ice, in our several attempts to reach the land, a number of species of sea-fowl were seen from time to time, and carefully noted by Mr. Nelson. Among these the most numerous were the murres and guillemots (Uria-arra and Uria-grylle), with numerous kittiwake gulls (Larus tridactylus Kotzebue) and the common ice-gull (Larus glaucus). More rarely single individuals of the Sabine's gull (Xema Sabinei) came circling about the ship. Numerous small flocks of black-headed turnstones (Strepsilas melanocephela) were seen near shore, and two parties of common elder ducks (Somateria nigra). In both instances the latter were females with their young. The second brood of elders was seen swimming close along the shore and away from the mouth of the river as we made our landing. On shore we found numerous snow-buntings (Plectrophanes nivalis) and a snowy owl (Nyctea nivea), which, with a shrike picked up dead on the beach and a solitary golden plover (Charadrius fulvus), complete the short list of land birds seen. At a number of places on the hillsides we found the droppings of wild geese so numerous that it was evident this place must have been a common resort for flocks of these birds earlier in the season. Their absence at the time of our landing is easily accounted for by the fact this was the time when the geese shed their large wing feathers and lose the power of flight. As this season comes on they congregate in large flocks in low marshy land and remain until their new growth of feathers enables them to spread over the country again a month or six weeks later.

Saddle-backs and hair-seals were rather common among the ice, and in addition there was a small species of hair-seal unknown upon the American coast and perhaps new to science. Walrus were not rare on the outer edge of the pack, and their foe, the polar bear, was seen almost every time we entered the ice; on several occasions it was seen swimming in the water several miles from the pack. Upon the hilltop on shore were found numerous burrows of some animal, probably white fox (Canis lagopus), as some tracks of that animal were found mingled with those of the polar bear in the mud along the banks of the river. Stranded on the sand-bar at the mouth of the river lay the skeleton of a whale (Baloena mysticetus), which closes the list of mammals observed.

Numerous small fish, from two to four inches long, and having large heads, were brought to the surface by rolling masses of ice as it was turned over by contact with the vessel in her passage through it. These are called by the whalers ice-fish. No specimens were obtained, unfortunately.

The following plants we collected: Grasses, three varieties; dwarf willow, phlox, saxifrage, sibbaldea, draba, potentilla, anemone, papaver, veronica, artemisia, carex, stellaria, three; mosses, three; lichens, five; and four compositae. In many places where the snow remained in the ravines and in banks against the steep cliffs, it presents the peculiar reddish color caused by the presence of Protococcus nivalis, commonly called red snow. This is a minute plant with which the surface of the snow is often covered in high latitudes. It was seen and its appearance described by Sir John Ross in 1818, and by Sir Edward Parry in 1827, but its true character was not understood until many years later, when it became known as a vegetable growth.

Upon taking possession of this land in the name of the United States, the name New Columbia was provisionally given to it. The provision being the approval and concurrence of that portion of the Government having the authority to issue charts, &c., the decision of that body was adverse to my suggestion, and by its action I cheerfully abide not only on account of its undoubted right to decide according to its own judgment in this and all other matters over which it has jurisdiction, but because the size of the island, as now known, does not justify the bestowal of a name of this character, the name of one of the early Arctic navigators being much more appropriate. At the time I suggested the change of name I believed the land to be an island and had so reported it to the Department, but I supposed it to be considerably larger than it has proved. In the report of my first cruise in the *Corwin*, submitted November 1, 1881, page 50, I say, in reference to this land:

"The part of Wrangel Land which we saw covered an arc of the horizon of about fifty degrees from northwest quarter north to west quarter south (true), and was distant from 25 miles on the former bearing to 35 or 40 on the latter. On the south were three mountains, probably 3,000 feet high, entirely covered with snow, the central one presenting a conical appearance and the others showing slightly rounded tops. Northward of these mountains was a chain of rounded hills, those near the sea being lower and nearly free from snow, while the back hills, which probably reach an elevation of 2,000 feet, were quite white; to the north of the northern bearing given the land ends entirely or becomes very low. The atmosphere was very clear, and we could easily have seen any land above the horizon within a distance of 60 or 70 miles, but none except that described could be seen from the masthead."

Again, on page 52, I say:

"I am of the opinion that Wrangel Land is a large island, probably one of a chain that passes entirely through the polar regions to Greenland; that there is other land to the north there can be no doubt * * * large numbers of geese and other aquatic birds pass Point Barrow going north in the spring, and returning in August and September with their young. As it is well known that these birds breed only on land, this fact must be regarded as proof of the existence of land in the north. Another reason for supposing that there is either a continent or a chain of islands passing through the polar regions is the fact that, notwithstanding the vast amount of heat diffused by the warm current passing through Bering Straits, the icy barrier is from six to eight degrees farther south on this side than on the Greenland side of the Arctic Ocean, where the temperature is much lower."

The belief that Wrangel Land is an island and that other islands exist to the north, has since been confirmed by the remarkable drift of the *Jeannette*, and the more recent work of the *Corwin* and *Rodgers* on Wrangel Land gives us a comparatively definite idea of its extent, although from the official report of Lieutenant Berry we learn that the *Rodgers* did not sail around that island, and that the boats sent out for the purpose of circumnavigating it did not succeed. Still, they went far enough to enable them to form a definite idea of its size and the general trend of its coast line, topography, &c. Although the discovery of three new islands by the *Jeannette* does not in any manner prove the existence of others extending entirely through the polar regions, the natural inference is that others are there. In fact it would appear almost miraculous that a vessel drifting helplessly in the polar regions for twenty months should be carried in sight of the only three islands which exist there. It would also be remarkable, to say the least, if, after the islands had been seen throughout the polar regions, at the highest degree of latitude attained by man, they should suddenly come to an end, and the thousands of miles of unexplored space be entirely free from them. While they are perhaps not sufficiently near to each other to be designated as a continuous chain of islands, they may, taken in consideration with other facts, be regarded as reasonable proof of the existence of islands throughout the polar regions at no great distance from each other. I quote the following from my private journal, written July 30, just after landing on Herald Island:

"While working in through the ice toward Herald Island, we saw Wrangel Land, and from the tops of the island a very good view

was had of it, the extremes bearing southwest and west by south (magnetic). It consisted of rounded hills of medium height and presented abrupt terminations at each of the above bearings, although it was ight by some that low land could be extending farther to the north, but g to the hazy condition of the atmosphere we could not make out positively, and probably it was a mistake."

Having thus shown that the theory advanced by me that Wrangel Land is an island has been proven, and that in regard to other islands existing throughout the polar region has received strong confirmation, I will now briefly state the consideration which induced me to suggest the change of name. In order to do this a short review of its history is necessary.

The first account of the existence of land north of the continent of Asia was received through a Cossack trader named Staduchin, in the year 1644. By the natives, also Russian traders, who had preceded him, Staduchin was informed that in the Polar Sea off the mouth of the Jana and Indegirka there were large islands which in clear weather could be seen from land, and which the Tchuktchis reached in winter in reindeer sledges in one day from Cheekotska, a river emptying into the Polar Sea east of the Kolyma. An examination of the chart shows that the land referred to off the Jana and Indegirka can be no other than the Siberian Islands, and that to which the natives are said to drive with reindeer in one day from the mouth of the Cheekotska is the Medvii or Bear Islands; that they could have had no reference to Wrangel Island, which is over 300 nautical miles east of the Cheekotska, is evident. About the year 1668 Nikifar Malgin made a trading voyage by sea from the mouth of the Lena to the Kolyma, and during the voyage discovered an island ut at sea, west of the mouth of the a, and at Kolyma he met another r, who reported that in cruising along the same coast with nine vessels, or more properly boats, three of them were driven ashore on this island. Traces of unknown animals were found, but no inhabitants. The location of this island between the mouth of the Lena and Kolyma is vague and indefinite, but with our present knowledge of that coast we may safely assume that the island referred to was Blischni, the most southern of the New Siberian Islands, which is the only island between the rivers named that could be seen while sailing along the coast. The first report which definitely locates these islands is the account of a trip from the Lena to the Kolyma by Jacob Permakov, a Cossack, in the beginning of the eighteenth century, who states that off the Sratoinos he had seen an island (Blischni), and that likewise off the mouth of the Kolyma there was an island that could be seen from land (Bear Islands). Then, as now, reports of explorers required confirmation before receiving full credence.

The following year another Cossack by the name of Wagin was sent out accompanied by Permakov to verify this report. They rode over the ice with dog sledges and not only reached and explored the island seen by Permakov, which they found barren and uninhabited, but discovered another, which they could not reach for want of provisions. Another point of similarity between those days of early exploration and the present time is the fact tht the perpetuation of the memory of explorers depended more upon the tragic nature of their accounts upon the amount of their addition to dge; and had it not been for the fact eir men mutinied and murdered Permakov and Wagin, these accounts would not have been preserved. They are said by Muller, to whom we are indebted for much of the early history of this country, to have been founded on the confused information obtained during the examination of the murderers at their trial. In 1763, a Cossack, named Andrejew, was dispatched by the governor of Siberia to make a trip northward over the ice with a view to ascertain the truth of these reported discoveries of land in that direction. He succeeded in reaching some islands, which he landed upon and found inhabited. His account is that "after driving to the north about 50 versts (33 miles) from the mouth of the Krestonoi River, I discovered a group of inhabited islands containing traces of a much more numerous population at some former period. The Bear Islands are 50 versts north of the Krestonoi, and are undoubtedly the ones referred to." Andrejew appears, also, to have claimed other discoveries, as in the instructions given to Billings, an English officer in charge of a large Russian expedition fitted out some years later for the purpose of exploring the Polar Sea north of the continent of Asia, the following words occur:

"One Sergeant Andrejew saw from the last of the Bear Islands a large island to which they (Andrejew and his companions) traveled in dog sledges; but they turned when they had gone 20 versts from the coast, because they saw fresh traces of a large number of men who had traveled in sledges drawn by reindeer."

In 1769, a party consisting of three surveyors, Loutiev, Lussn, and Puschkarer, were sent out over the ice to the northeast, but they neither succeeded in reaching nor seeing land, although they traveled in the direction indicated 130 miles. The part of the sea in which Andrejew claimed to have made his discovery has since been thoroughly explored by Anjou, Wrangel, and others, but no signs of any land were seen. That he could not have landed nor even have seen Wrangel Land we now know, as it is over 300 miles distant, due east, from the Bear Islands, from which place the discovery is claimed to have been made. The natives who accompanied Andrejew on his journey to the Bear Islands were met with by Loutiev and his party, but had no knowledge of any discovery of new lands. These reports of the existence of land to the north of the continent led the Emperor Alexander, in 1820, to equip two expeditions, which were to proceed to the northern part of Siberia to explore and survey the coast. One of the expeditions was placed under the command of Lieutenant Anjou, with instructions to commence operations at the mouth of the Jana, and the other under the command of Lieutenant Wrangel, who was to commence at the Kolyma, and proceed east as far as Cape Shelagehoi, and thence in a northerly direction in order to ascertain whether an inhabited country existed in that quarter, as asserted by the Tchuktchis. After four years spent in unavailing effort, Wrangel returned home without even seeing this land or gaining the slightest particle of knowledge in relation to it. It is true he had received an account from the natives of Cape Jakan that, on a very clear day, from a hill in the vicinity, high land could be seen to the north; but this was not new. Native reports of land seen to the north had been current for over one hundred and seventy years, and on the strength of these reports the land had actually been shown on Strahlenbeyg's map at least one hundred years before the time of Wrangel's voyage. In submitting his report on his return Wrangel refers to it as "the problematical land of the North," and evidently has no confidence in its existence. His four years of exploration along the Siberian coast were conducted with great heroism, and were prolific of good results, and to him, more than any one else, are we indebted for the knowledge we now have of its geographical and climatic conditions; not so, however, in regard to the land which now bears his name, of which he not only gave us no knowledge, but threw doubt upon its very existence. In 1849, Captain Kellett, in H.B.M. ship *Herald*, saw this land and was undoubtedly the first European who had ocular proof of its existence. On his return to England, 1853, his discovery was reported. A chart of the region north of Bering Straits was compiled from the information gained by the *Herald*, *Blossom*, *Plover*, and others, upon which this land appeared under the name of "Kellett Land," by which name it has since been known upon the British Admiralty charts. In 1867 this land was seen by the American whaling fleet. That season was a remarkably open one, probably as much so as that of 1881, and Captain Long, in the bark *Nile*, sailed past its southern limit, and a sketch, purporting to have been made by him, is now shown upon the American Hydrographic chart. Captain Long gave to this land the name of Wrangel Land. The strait through which he sailed, between the island and the mainland, has been given the name of Long's Strait in honor of that navigator. The land, as already shown, had been discovered and named for its discoverer fourteen years previously. It is presumed that Captain Long was not aware of this fact, or that this sound, upon which was betowed his own name, had been navigated at intervals by the Russians since 1648, when Deschueo sailed from the Kolyma River through this and Bering Straits to the Anadyr, or he would have conferred that honor upon one of his many predecessors. A mountain included Captain Long's sketch, the height of which he seems to have approximated very closely, was very appropriately named for him, but singular as it may appear this name, to which Captain Long was justly entitled, has, notwithstanding, our pretended custom of adhering to original names, been set on a recent issue of American charts. Subsequent to the discoveries of Kellett and the American whalemen, Commodore John Rodgers visited the Arctic Ocean in the *Vincennes* as late as 1855. He spent twenty days in the Artic, and went some miles north of Herald Island, but did not see the land under discussion. The following note, which appears upon the American Hydrographic chart, compiled from the surveys of that expedition, and from Russian and English authorities, implies a doubt of its existence:

"Captain Kellett, of H.B.M. ship *Herald*, discovered and landed on Herald Island in 1849. Another island, and high land which he thought he saw, were not under more favorable circumstances of weather and position seen by the United States ship *Vincennes*."

Thus it will be seen that Kellett was the actual discoverer, and that Wrangel's name only became associated with it through the report of Captain Long, who was apparently unaware of the fact that it already bore the name of Kellett by right of actual discovery. But notwithstanding the slight ground upon which Wrangel's name has been associated with this land, had his been the only name connected with it, the thought of changing it would not have been entertained for a moment; and in provisionally applying a new name I disclaim any thought or wish to throw discredit upon the praiseworthy labors of Wrangel or Kellett. But as bearing two names was calculated to create great confusion, it was believed that as the island had become, by our act of landing upon it and taking possession of it, a part of the ter-

ritory of the United States, by selecting a name of a national character, no disrespect would be shown to memory or offense given to the friends of the gallant officers whose names it bore, and that the name given would be adopted by all nations. The name New Columbia was suggested for the name which had been given to the islands farther west, New Siberia. It is probable that the name Wrangel Land will continue in use upon American charts, but its justice, in view of all the facts, is not so apparent. In my opinion the adoption by us of the name given by the English would be appropriate, and avoid the confusion which is sure to follow in consequences of its having two names. Headlands and other geographical features of the island were named by us, but as the names which were applied to features actually discovered by the *Corwin* and heretofore unnamed have been ignored, it is possible that a desire to do honor to the memory of Wrangel is not the only consideration. To avoid the complications which would result from duplicating geographical names I have dropped all bestowed by the *Corwin* and adopted the more recent ones applied by the Hydrographic Office. I have also adopted the plan of the island, as shown on the small chart accompanying Hydrographic Notice No. 84, although the trend of the coast and the geographical position of the mouth of the river where we first planted the flag do not agree with the result of the observations and triangulations made by the *Corwin*. From the foregoing facts, which are derived from the voyages of early navigators, as compiled by Wrangel and Nordenskjold, and other sources, the following summary may be deduced: The first reports of land existing to the north of the coast of Siberia were made by the early Russian travelers; unfortunately the names and exact date of their explorations are now known. The earliest record appears to be about 1644. Wrangel among others was sent in 1821 to ascertain the truth or falsity of this report. This he failed to do, but favored the belief that the reports were false. The land was first actually discovered by Captain Kellett, in H.B.M. ship *Herald*, in 1849. The discovery of the fact that it is an island of limited extent was first made by Commander De Long, U.S.N., in his drift in the *Jeannette* during the winter of 1879-'80, when he actually passed directly across the meridians embraced within its extremes, in plain sight of the land. Having shown that the report that Andrejew had landed upon Wrangel Land and found it inhabited could not be true, not only from its distance from the Bear Islands, 300 miles, which places it beyond the possible range of his vision, but by the more recent discovery by the *Corwin*, and the *Rodgers* that the land contained no signs of human life, either past or present, we may, I believe, justly claim for ourselves the credit of being the first to land upon its shores. A Captain Dallman claimed to have landed here in 1866, but as Captain Dallman, who was almost constantly in communication with scientific men, and well knew the value of such an achievement, did not mention it until thirteen years later, and as his account corresponds with charts known to be erroneous, and, cannot by any possibility be reconciled with the corrected charts now in use, and although these discrepancies have been pointed out to Captain Dallman, he has failed to produce further proof in support of his statement, it is not believed that his claim to priority can be established. Many traditions of a large and inhabited land to the north have existed among the natives of the north coast of Asia for centuries, and some of the early Russian explorers of the Polar Sea believed this land to be a continuation of Nova Zembla and a part of the American Continent.

CHAR. 38.—AN ACT IN AID OF A POLAR EXPEDITION DESIGNED BY JAMES GORDON BENNETT

Whereas James Gordon Bennett, a citizen of the United States, has purchased in Great Britain a vessel supposed to be specially adapted to Arctic expeditions, and proposes, at his own cost, to fit out and man said vessel, and to devote her to efforts to solve the Polar problem; and

Whereas it is deemed desirable that said vessel, while so engaged, shall carry the American flag and be officered by American naval officers: Therefore,

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be authorized to issue an American register to said vessel by the name of Jeannette, and that the President of the United States be authorized to detail, with their own consent, commissioned, warrant, and petty officers of the Navy, not to exceed ten in number, to act as officers of said vessel during her first voyage to the Arctic seas: *Provided, however*, That such detail shall be made of such officers only as the President is satisfied can be absent from their regular duties without detriment to the public service.

Approved, March 18, 1878.

CHAP. 109.—AN ACT AUTHORIZING THE SECRETARY OF THE NAVY TO ACCEPT FOR THE PURPOSES OF A VOYAGE OF EXPLORATION BY WAY OF BEHRING'S STRAITS, THE SHIP JEANNETTE, TENDERED BY JAMES GORDON BENNETT FOR THAT PURPOSE

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Navy be, and he is hereby, authorized to accept and take charge of, for the use of a North Polar Expedition by way of Behring's straits, the ship Jeannette, owned by James Gordon Bennett, and by him devoted to this purpose; that he may use, in fitting here for her voyage of exploration, any material he may have on hand proper for the purposes of an Arctic voyage; and that he is further authorized to enlist the necessary crew for the said vessel for "special service", their pay to be temporarily met from the pay of the Navy, and to be paid or refunded by James Gordon Bennett to the Navy Department Under the order of the Secretary of the Navy and as he may require; the vessel to proceed on her voyage of exploration under the orders and instructions of the Navy Department; that the men so "specially enlisted" as above shall be subject in all respects to the Articles of War and Navy Regulations and discipline; and that all parts of the act approved March eighteenth, eighteen hundred and seventy-eight, inconsistent with the above, be, and they are hereby, repealed: *Provided*, That the government of the United States shall not be held liable for any expenditure incurred or to be incurred on account of said exploration.

Approved, February 27, 1879.

EXHIBIT 4

LOSS OF THE STEAMER "JEANNETTE"

Letter from the Secretary of the Navy, relative to the loss of the steamer *Jeannette*:

NAVY DEPARTMENT,
Washington, March 2, 1883.

Hon. J. WARREN KEIFER,
Speaker of the House of Representatives.

Note: Referring to my letter of the 17th ultimo, transmitting to the House that part of the record of proceedings which contained the finding of the court of inquiry convened in pursuance of the joint resolution of Congress, approved August 8, 1882, for the purpose of investigating the circumstances of the loss in the Arctic seas of the exploring steamer Jeannette and the death of Lieutenant-Commander DeLong and others of her officers and men, I now have the honor to transmit to the House a copy of the entire record of the proceedings of the court, consisting of seven parts and an appendix.

Very respectfully,

WM. E. CHANDLER,
Secretary of the Navy.

EXHIBIT P Q

ORDER

ARCTIC STEAMER "JEANNETTE,"

Beset and drifting in the pack ice, Lat. N. 77° 13', long. E. 155° 12'.

JUNE 15th, 1881.

This island, discovered by us on May 16, and which is in lat. N. 76° 47', long. E. 158° 56', has been named Jeannette Island.

This island, discovered by us on the 24th May, and which is lat. N. 77° 8', long E. 257° 43', has been named Henrietta Island.

Upon Henrietta Island P. A. Engineer G. W. Melville and his party have landed and hoisted there our colors, and taken possession of these new lands in the name of the United States of America.

GEORGE W. DE LONG,
Lieutenant, U.S. Navy, Commanding.

(The date of this order seems to be wrong, as the ship went down June 13th, 1881.)

A true copy.

SAM C. LEMLY,
Master U.S. Navy & Judge Advocate.

REPORT OF TRIP TO HENRIETTA ISLAND—CHIEF ENGINEER GEORGE W. MELVILLE, U.S.N.

To Lieutenant George W. DeLong, U.S. Navy, Commanding Arctic Steamer *Jeannette.*

U.S. ARCTIC SHIP *Jeannette,*
Arctic Ocean, June 6th, 1881.

SIR: In accordance with your written instructions and orders of May 31, 1881, I have the honor to report as follows:

A party, consisting of myself, Mr. Wm. Dunbar, ice pilot; W.C.F. Nindemann, sea.; H.H. Erichsen, sea.; J.H. Bartlett, 1st class fireman, and Walter Sharvell, coal heaver, with sixteen (16) dogs, and seven days' provisions; ten gallons of water, two (2) gallons of alcohol for cooking; small boat, sled, tent, and camp equipage, instruments, &c., &c., with properly prepared medicine case and written instructions for use.

I proceeded with all possible speed direct for the island, deviating only on account of bad going and open lanes of water. During our first day's journey I dismounted the boat four times and ferried over the water dogs and gear. We also had to unlash and carry our gear four times through bad places that were impassable otherwise, besides cutting a road nearly all the way, never having one hundred (100) yards of straight going at any time this day. Finally camped at seven (7) p.m., about four (4) miles distant from the ship, weather O.C.S., temp., 20°.

Wednesday, June 1st.—On this day we were out at six (6) a.m., and underway by seven (7) a.m. Got a bearing of the ship; also of the island. We passed through a terribly rough country, cutting roads and building up bridges. We saw no floe pieces at all; the ice was all brash hummock and jammed up masses, and all alive (i.e., all in motion). After cutting through fifteen yards of road we advanced but five (5) yards on our

course. We skirted along lanes of water (this day), running from NE. to SW., but not large enough to work a ship in. We worked twelve (12) hours and fifty (50) minutes (this day), and advanced about four (4) miles. About midday we cut through a large mass of glacier ice, fresh and sweet to the taste, and entirely different in appearance and cohesive structure from the surrounding masses of salt ice. Owing to its location, N. 43°, W. mag. of Jeannette Island, I concluded it has been discharged from a glacier on that island, and took the usual drift of the pack NW.

We lost sight of the ship about four (4) p.m. By seven (7) p.m. the dogs were so tired that we could not keep them up, some of them taking refuge under the sled. I forced this distance and extra labor to find a floe piece to camp on. We were so tired that neither men nor dogs ate all their supper. We camped at eight (8) hours and fifty minutes, and got a sounding in thirty-five (35) fathoms of water; slight drift S.W.

Thursday, June 2nd.—This morning we were out by five (5) and underway by six (6). Had some bad cutting and bridging to do at first, but afterward struck a good floe piece, and by seven (7) considered we has made good one and one-half (1½) miles. The land stood out bold and clear, and we all felt that we were almost there; but we struck immediately after into a bad hummocky floe, full of snow-drift, and deep, hard going, the sled sinking through to the cross-bars and sticking fast on every side. We struggled on until half past ten a.m. (10:30), when I saw in others, and felt in my own bones that our labor was being lost. I unloaded my sled and advanced light until eleven (11) a.m.; then dismounted my boat and sent back and brought up the gear, and by twelve-thirty (12:30) p.m., had loaded up boat and gear again and had hot soup. Advanced with sled and boat until one-thirty (1:30) p.m., when I found that the pack between us and the land was so broken up it was impossible to advance with the boat and gear, and if I was going to make the land at all I must have my boat, provisions, and most of my gear in as safe a place as possible in the moving pack. I therefore dismounted my boat in the center of a large floe piece and set up a signal staff on the highest hummock in the vicinity. I took the sled, dogs, camp equipage, instrument boxes, arms, one day's provision for men and dogs. We estimated the island as two (2) miles distant. Started at two (2) p.m., and passed through from four to six miles of broken and quickly moving pack ice, through which we could never have hauled our boat uninjured. We landed at five-thirty (5:30) p.m. In accordance with instructions, I was the first person to land. I then called my party on shore, in their presence unfurled our colors, and in the name of the Great Jehovah and the President of the United States I declared it a part of the territory of the United States, and in accordance with your instructions named it "Henrietta Island." We were very tired, and got into our beds very early.

Friday, June 3rd.—In the morning we were out by four (4), supposing we had had a good night's sleep, but sore in bones and muscle. I commenced a hurried survey of the N. western end of the island (S.E. end being almost inaccessible), the distance and uncertainty of the position of my boat and provisions accelerating my movements and increasing my anxiety.

I found the island to be a barren rock, fissured and riven by time and the action of heat and cold. The bold, black cape facing E. is without doubt volcanic. The upheavals from E. to W., lines and layers of separation dipping to the W. at an angle of 30°. The face of the bold headland is black with age, stained in great patches of iron and spongy masses of black and red rock, resembling the refuse of a blast furnace. The island is traversed by two ridges, running in a N.E. and S.W. direction. The highest ridge, or the backbone, as it might be called, begins at a black headland 1,200 feet in height and is lost to view under the ice cap surmounting the whole island. The lower ridge commences at a knoll on the N.W. face, and after a slight depression rises to a considerable height in the S.W., where it fades away at a distance of eight miles.

There are five bold headlands on the N.E. face of the island. First, the bold black headland, 1,200 feet high, near which we landed. Next Cairn Point, 600 feet high, where the cairn, record, and pike staff are placed. Next the extreme N. point of the land, which shuts in a valley lying between the shore beyond and the center ridge of the island; and, finally, the large double headland beyond the valley to the S.W. There is also a slight depression or valley between Cairn Point and the backbone of the island, making back from the double headland. All this portion of the island is light-colored trap rock, slate, and shale.

The whole island is covered with a permanent ice cap, 250 to 300 feet high, above the back bone, and the large opening which we thought on board ship was a bay on the N.E. side of the island is a constantly discharging glacier; in fact, the whole N.E. face is continually discharging ice. Some of the slabs or pieces that had fallen on the ice floe from the edge of the main ice cap gave, when measured, 48 feet thickness of ice and 4 feet of thickness of snow, where it lay in the sea. How much more it measured before it fell I could not tell. There are five small glaciers discharging between headlands on this coast or face, beside the continual discharge all along the upper edge of the island, crawling down from the main ridge. There is a high ridge of broken glacier ice between the base of the island and the floe where the floe ice and glacier droppings are continually at war. I think there is no permanent ice foot attached to this side of the island, as the main pack continually grinding along carries off all discharges from the island. I found the glacier in 2.5 miles N. E. of the island. There was a slight growth of moss or black mould in the crevices of the rock. All that we gathered was picked out of the small crevices with a pencil point and knife blade. No fossil or animal remains of any kind were found. There were no broaches on which drift-wood could rest, and consequently we found none. No signs of bears, foxes, hares, or lemmings were seen, and no birds except dovekies, which were numerous in the rocky cliffs.

From the top of the island the ice fields could be seen for many miles away to the N. W., inshore of which was a large space of open water, extending toward and disappearing under the brow of the cliffs. The pack was much broken and fissured with lanes of water toward the N. W.; as far as the eye could see. The whole pack in all directions, from this outlook, was one jumbled up mass, and all in motion, lanes and leads continually changing. No seals or walrus or game of any kind was seen during our absence from the ship, eight dovekies being the extent of our game bag.

In the morning I prepared the record, set up the cairn and pike staff on Cairn Point; took bearings of all prominent headlands and points; made sketches for the accompanying chart of the island and profile of the land. The ship was plainly visible from the top of Cairn Point. My anxiety for boat, provisions, and equipment left on the ice, nothing of which was visible from the mountain tops, accelerated my movements, and by eight a. m. was underway, heading for the ship and keeping a lookout for our pikestaff signal. We could not follow our outward track, because it had broken so badly and had shifted so much. We sighted our signal about (10.30) ten-thirty a. m., and found our boat by one-thirty (1.30) p. m. and camped down for a rest, much relieved at our good fortune in finding our boat and gear intact.

Saturday, June 4th.—We were all out at 12.30, mounted our boat, stowed our gear, and were under way by 2.30 a. m., followed our old track back toward the ship for a couple of miles, the traveling being heavy on account of the deep snow and crust. Finally our track was lost in a general smash-up of the floe, and we had laborious, hard traveling, with a cruel wind and snow storm from the N. W. We had a bad upset, which stove the port side of the boat, but not badly. My zeal to get my boat in toward the island on the day before got the better of my judgment, and it was in getting her back out of the scrape that she was damaged. Heading for the ship on a good large floe piece, but terribly heavy hauling on account of the snow and crust breaking through, making long detours to avoid ferrying over the water, after going S. W. to get N. E., by noon of this day saw the ship bearing N. E. The large block signal was a grand good mark for us when not shut in by snow squalls. By 1.30 p.m. we were so tired we could go no farther, and camped down. The pack is much more broken than it was on our inward journey, i. e., we had longer distances to make to avoid open water. This was a hard day's journey for men and dogs, as it took all the strength of both while moving, and when we set fast or came to hummocks it took a breaking strain to haul through. All of this extra work comes on the men, for dogs will not haul in concert until the load is started. We hauled our sled all day long, down on the cross-bars, making three tracks in the snow, one for each runner and a center one for the boat's keel. We were all in our bags by four p. m.

Sunday, June 5th.—In the morning we were out by one thirty (1.30) a. m., and had the ship in plain sight three and a half (3½) miles distant. We were under way by two-thirty (2.30), knowing we would dine on board ship. We found large lanes of open water running N. E. and S. W., and skirted along one for two and a half (2½) miles hoping for a crossing without the labor of ferrying. This lane of water set from the ship toward the island about five (5) miles, varying in width from one hundred yards to a half mile (½). By 6 a. m., found a jam in the lead, with the whole mass in motion, and in our haste to cross the moving mass, when within one mile of the ship, we had a bad upset and broke the runner of the sled. I unshipped the boat, divided the load, repaired the sled, put the boat and portion of the gear in a safe position, and started the sled and dogs with four men and half the weight in to the ship for another sled. By nine (9) a. m. new sled and gang of men arrived from the ship, and before ten (10) a. m. all arrived on board, none the worse for wear than usually falls to the lot of laboring mortals.

In regard to the men and equipment I desire nothing superior, to travel any distance.

Beyond the final breaking of the sleigh, a slight injury to the side of the boat, and the breaking of one snow-knife we had no accidents. All of our gear and equipments returned in good order. In ammunition we expanded one (1) Remington cartridge and twelve (12) gun cartridges.

Mr. Dunbar suffered badly from snow blindness after noon on the third (3) day, and had to be cared for from the morning of the fourth day until our arrival on board.

Ichsen and Nindemann had bad cramps in stomach after coming to the [illegible] of fourth and fifth (4 & 5) days; [illegible] 2 oz. brandy, 15 drops tinct. opii, [illegible] extract capsicum. None of us slept well. No one could eat the food allowance; it would have lasted for twelve days, or more; the alcohol was barely sufficient, and had we been compelled to melt snow or ice for water on our way toward the island it would not have been enough.

Our tent being white the glare within hurt our eyes. I think had it been dyed black or blue (not painted) we would have slept better. Two boat chisels should be added to the equipment of the boats, made like two-inch socket chisels, fitted on the end of short pike staffs (4 or 5 feet); the ends of the tent poles should be socket chisels. We found boarding pikes good ice picks in cutting roads, but not strong enough. Two light ice pick axes should be added to the sled equipment. Two small black or blue dungaree flags should go in the boats as signals in finding gear left behind or guides ahead. Two additional flat runners should be fitted underneath the bearers of the sleds, extending from the forward cross-bearer to the after bearer, and turning upward at both ends, tipped with iron and fastened to each of the cross-bearers. These staves or runners should be about six inches wide, to give a good bearing on top of the snow should the sled at any time sink so deep. Oak hogshead or pipe staves will give a correct idea of the dimensions. These should be set six inches apart, and the boat's keel should set between the upturned ends fore and aft. This would give room for riding at the upturned ends of the staves and prevent side riding of the boat without racking the keel. The bilge chock should run fore and aft the sled, secured by lashings to top rail and cross-bars, for a small boat extending across three of the bearers with a slight camber inward. In clinker-built boats it should be fitted to the projecting stakes. The fore and after ends of these chocks should be sharpened to pass through snow easily. It is astonishing to see what a hold the uprights of a McClintock sled take to to snow or crust on top of snow. Athwartship chocks have the same objection. In fore and aft chocks, if they come well out and up on the boat's bilge, the boat is more firmly seated, it supports and protects the boat's bilge, and in rousing down the lashings the strain is more in a vertical direction without the outward rocking motion tending to burst the boat open. The boat's keel should also rest on the cross-bars.

Most of the sleeping-bags are too large. The bottoms should be made of reindeer skin, for the side next the ice is always cold; the tops of lighter material. They should be shaped nearly as the frustrums of two cones meeting at their bases. At the shoulders an elliptical piece should be set in at head and foot. Ellipse at foot 12" × 16"; at head 10" × 12". This reduces the weight, makes the bag warmer, gives room enough for a man of 200 lbs. weight. It should have a shoulder cricumstance of 50" to 60", and made the next length of the man, as he will involuntarily draw his feet up a little.

All of which is respectfully submitted.

Very respectfully,

GEO W. MELVILLE,
P.A. Engt., U.S.N.

At true copy.

SAM C. LEMLY,
Master U.S. Navy & Judge Advocate.

EXHIBIT 5

"JEANNETTE" INQUIRY BEFORE THE COMMITTEE ON NAVAL AFFAIRS OF THE U.S. HOUSE OF REPRESENTATIVES, FORTY-EIGHTH CONGRESS

Members of the subcommittee: Hon. Hugh Buchanan; Hon. William McAdoo, and Hon. Charles A. Boutelle.

JULY 28TH, THURSDAY.—Called all hands at seven. Breakfasted at eight. Windy (ESE.), foggy, and disagreeable. Land in sight at times. We have gone a short distance to westward. Temperature 29°. Under way at 8.50 a.m. Sent Mr. Dunbar ahead, and after a while we succeeded in crossing the broken ice which had stopped us last night. Here we had a small floe, across which we speeded. The fog now shut in impenetrably, and I feared we were in for a troublesome time. Mr. Dunbar returned, however, and informed me, that after crossing this floe we should find large ice blocks, with only two-foot openings, and that these extended to the ice foot, or fast ice, and that, moreover, he had climbed up on the ice-foot, and advanced one hundred yards over it toward the land. This was too good a chance to lose, and away we went. But thought we made all haste, and got over our last ferry, and across the small floe in splendid time, when we reached the further edge we found everything fallen to pieces, and more water and rapidly moving ice than we could undertake. Much of the moving ice looked like small bergs broken off from a glacier foot, and from the rounded lumps of ice on top, and their almost straight edges, I am inclined to think they were icebergs. By 12.30 p.m. we had everything up on the floe edge, and halted for dinner.

The sun now tried to break through the fog, and I hoped for a clearing; but at 1.30 p.m., when we turned to, the fog was as thick as ever. The situation had improved somewhat, for another floe piece had now come along, and a few loose pieces offered a convenient bridge. Away we went, but the floe piece was a small one, and we soon reached its edge. Here was another confusion, but we could make out a larger floe ahead. Everything was embarked on an ice-cake for a ferry-boat, and a hauling line run to the floe. By great effort we got our piece clear by four p.m. and commenced to haul over. Suddenly everybody gave a shout, "Look!" Away up over our heads 2,500(?) feet towered the land, and we were sweeping past it like a mill-stream. Hurriedly sounded in eighteen and one-half fathoms. Soon our floe was reached. Away we jumped our sleds and boats, and, seeing two or three large cakes nearly together, ran everything rapidly over until we at last stood at the base of the ice-cap. It was a narrow squeeze, for the men with the tents and remaining loose provisions on their shoulders had hard work to run fast enough to get on the last cake before the other cakes were swept away. Now that we were on the last cake our situation became critical. We could not get up on the ice-foot, for ten feet of water and small lumps intervened, and we were sweeping along by it at the rate of three miles an hour. Our cake was none of the strongest, and in the swirling and running masses and small bergs I feared we should be broken up and separated. It was an anxious moment. The southwest cape of the island was not half a mile away, and this was our last chance. Over two weeks of dragging and working to reach this island seemed about to be thrown away. I soon notice our cake begin to turn around, and saw that it might be whirled into a kind of corner against the fast ice, where, if it remained long enough, a landing might be effected. "Stand by," was the order now, and with sled ropes in hand we waited the trying moment. Soon our cake caught and held. "Now is the time, Chipp!" I shouted, and away we went.

One sled got over on the rough ice-foot all right; a second nearly fell overboard; the third did fall overboard, dragging in Cole; and a piece of ice had to be dragged in by sheer force to bridge for the fourth. When I started the St. Michael's sleds they seemed to stick somewhere. Watching our cake closely, I saw signs of it giving way. "Away with the boats!"—but how? Nindemann sang out that he thought we could float the boats below, and haul them over. No sooner said than done, and down they went into the water. The men were hurried from the sleds to the boats, and I saw the first cutter just beginning to haul out, when away swept our ice-cake, carrying Melville, Iversen, Aneguin, and myself, with six dogs. Wilson had carried one load of dogs over in the dingy, but he could not get back for the remainder. Chipp was on the ice-fobt with the boats, and I knew he could look out for them, and I felt pretty certain we had saved everything. For ourselves, on the drifting ice-cake, I had some little anxiety, but one corner of our cake, fortunately, soon after drifted near a fast berg, and by making a flying leap through the air, we escaped in safety. At last! But though standing still we were not ashore. The ice foot extended out from the land, and was a confused mass of piled up ice-blocks and ridges—honeycombed, cracked, and broken—and presenting a simply impassable road for travel with sleds. Glad enough was I to get a solid foothold anywhere, and I gave the order to camp at 6.30 p. m. (our first sled having got on the ice-foot about five), everything being hauled in as near to the land as possible, say fifty feet from it. Rocks were occasionally slipping down and falling into a little stream of water at the foot of the cliff, the stream being where the thawing of surface ice has left a channel about four feet deep.

The face of the cliff was literally alive with dovekies. Supper at 7:30 p.m. At 8:30 p.m. all hands were called to muster and, led by me, everybody waded or jumped or ferried over to the land, where we held on as well as we could to the steep slopes of debris, while our colors were displayed. When all had gathered around me I said, "I have to announce to you that this island, towards which we have been struggling for more than two weeks, is newly discovered land. I therefore take possession of it in the name of the President of the United States, and name it Bennett Island. I now call upon you to give three cheers." And never were three more lusty cheers given. With great kindness three were then given for me.

I now change the date to the correct one, and record that at 8:30 p.m. JULY 20TH, FRIDAY, I added Bennett Island to American soil. Our landing cape I named Cape Emma. Piped down at nine p.m., fresh E. wind, thick fog; ice off shore rapidly moving west. The birds kept up a fearful chattering all night, but we slept well in spite of it.

JULY 30TH, SATURDAY (correct dates hereafter).—Called hands at seven. Breakfasted at eight, and at nine a.m. turned to. Our plan of operations for our stay was put into execution as follows:

Chipp, Nindemann, Ericksen, Lee, Bartlett—Tidal observers.

Collins—Sketches, and general collection of facts.

Newcomb—Natural history, flora, and fauna.

Dr. Ambler—Geological work, and collection of facts.

Dunbar—Looking for game, etc.

De Long—Astronomical observations, barometer, compass variations.

Crew generally—Getting murres' eggs, drift-wood, flowers, and other specimens.

Before noon I had received moss, scurvy-grass, tufa, lava, cryolite (grass), yellow flowers (curious differences in these flowers), *amethysts;* and in the afternoon I received from Mr. Dunbar two eggs of murres, large as hens' eggs, and spotted. And at three p.m. Johnson brought in a piece of reindeer horn with moss on it. Dunbar made a small collection of drift wood, but saw no way of getting a lodgment on the island, and no signs of game. Latitude at noon 76°38'17" N. Barometer 29.80. Temperature 31°.

During the forenoon the tide was ebbing, and though the wind was W., the ice was driving along to the westward at a great rate. Large floes brought up against our ice-foot for a moment with a jar that caused it to tremble, but it stood firm, and the floes split and broke and swept along. The pressure was enormous.

The collections are coming in so rapidly that I can but just notice them by a word. Melville found a *vein of bituminous coal* and brought a large lump. Doctor found down from some fox or rabbit, also rock tripe, mosses and more flowers; nine dozen murres and dovekies brought in up to four p.m. Drift-wood accumulating. One piece chipped with an axe at the lower end like a fence-post; another burned on end. We have collected enough fire-wood for two meals, and with a coal mine "handy by" and birds in thousands, we need never want for a warm meal.

The geological formation of Bennett Island is thus described by Dr. Ambler; "It is certainly of volcanic origin. It is composed of traprock; a species of feldspathic rock, igneous rock with silica caught up in it in masses; trap-rock with globules of silica; trap-rock containing globules, which rock being broken shows the globules of the darker color sticking in the matrix, while a portion of the mass knocked off will show a complete mould or bed. The globules are about the size of a pea, receive a bright polish from the finger, and are soft enough to be cut with a knife; silica, very light stone, tufa. I think, of a light brown color, spongy in appearance, as if blown up by gases; lava of different colors, varying from a yellowish brown to a dark green; clays almost the color of bricks; *débris* from the sides of the cliff being disintegrated portions of this red seemingly baked clay.

"The face of the cliff (Cape Emma) is in six terraces of igneous rock, separated by other strata imposed, of the red clay stuff which contains most of the silica. The amethyst was found in a matrix of quartz imbedded in the trap-rock. The stalagmite and stalactite were found upon breaking open a mass of trap-rock, found lying on the beach, and could be easily removed by the finger. The stratification is horizontal; fossils seen. There is a white stone with very much the appearance of gypsum. There are two varieties, one occurring in tabular masses, with glistening sides when held in the light, and the other of a dull, opaque white, and in rounded masses which show the action of water. Both varieties can be cut with a knife, and form an opaque white powder, which effervesces upon applying nitric and acetic acids."

The bituminous coal is abundant, and burns readily. Melville thinks it has from fifty to sixty per cent carbon but tomorrow he will experiment further, and I will note his remarks.

Unfortunately, the forenoon and afternoon were both cloudy and foggy, and I could get neither time-sight nor azimuth. A landslide occurred at 6:30 p.m., large masses of rock and red clay being hurled down from the summit of Cape Emma.

From our observations of tides to-day, it would seem that the flood comes from the westward. Birds for supper at seven p.m.

Measured the water at various distances from the foot of the cliff—50 feet, 7 feet deep; 100 feet, 12 feet deep; 150 feet, 16 feet deep; 200 feet, 28 feet. Our ice-foot is kept in by grounded floe pieces, or bergs broken off from the foot of the glacier on the south face. Wind very light; northeast airs; barometer at nine p.m. 29.84 at 37°; temperature 30°. The tide measurements were made by a pike-end stick (a paddle with a chisel end) stuck in the bottom ice, and held in rigidly against the face of a rocky cliff (Rudder Point). The graduations are to inches—half inches, and quarter inches, being estimated by the observers. The first reading was taken at 10:26 a.m. by my watch, and subsequent readings hourly.

JULY 31ST, SUNDAY.—Called all hands at seven. Weather cold and foggy. Mr. Dunbar having expressed a wish to go along the south side of the island, and it agreeing with my desire to know more of that section, I this morning gave him permission to take Alexey, Aneguin, five dogs, and a dog sled, and remain away forty-eight hours for that purpose. He will start after dinner, carrying provisions, lime-juice, sleeping bags, knapsacks, arms, and ammunition, and a compass, glass, and measuringline. I have instructed him to take all possible bearings and sketches, and if he is able to get up a hill-side to look carefully southwest for land. At two p.m. he started, to be back by or before noon on Tuesday, August 2d.

AUGUST 4TH, THURSDAY.—This is the day which I appointed for leaving, but it is ordered otherwise. During the night the wind increased to a gale again, and upon calling all hands at six a.m. we found ourselves shut in by fog, while a pitiless storm of rain, snow, and hail beat down upon us. Seaward nothing can be seen, but whatever there may be the weather is unfit to expose a dog, even. The wind where we are is about WNW.

Filled out one of our blank records, to be left behind, in the following words:

BENNETT ISLAND, CAPE EMMA,
LAT. N. 76° 38', LONG. E.,
August 4, 1881.

This island was discovered on the 11th of July and landed upon, taken possession of and named on the 29th of July by the officers and men of the U.S. Arctic steamer Jeannette, which vessel was sunk by the ice on the 13th of June, 1881, in latitude N. 77° 15' and longitude E. 155° 0'.

It is my intention to proceed from here at the first opportunity toward the New Siberian Islands, and thence toward the settlements on the Lena River. We have three boats, thirty days' provisions, twenty-three dogs, and sufficient clothing, and are, moreover, in excellent health. We drifted in the pack ice from the 5th September, 1879, to the date at which our vessel was crushed and sunk by the ice, and during that time discovered two islands, Jeannette Island and Henrietta Island, upon the latter of which a party landed. Jeannette Island, discovered May 21, 1881, is in latitude N. 76° 47', longitude E. 158° 56'; Henrietta Island, discovered May 25, 1881, is in latitude N. 77° 8', and longitude E. 157° 45'. Excepting these islands we saw no land since losing sight of Herald Island in March, 1880. Having rested here a few days, we are now detained by a westerly gale, fog, sleet, and snow, and though at times we see much open water to the southwest we cannot yet say whether or not we can take to our boats to resume our journey, or shall be forced to resort again to dragging everything over the ice. The ice travel has been very hard, and two miles a day made good has been our usual distance, though many trips back and forth have been necessary on account of our weights. The ice in this sea is similar to the ancient ice encountered by the British expedition of 1875, north of Cape Joseph Henry. We have lost none of our original number, eight officers and twenty-five men, and have not had scurvy.

GEORGE W. DE LONG,
Lieutenant, U.S.N., Commanding U.S. Arctic Expedition.

I do not remember ever to have passed a more disagreeable and uncomfortable day. Outside the tents the wind blew in such fierce gusts that it was hard to keep one's footing on the small pieces of ice left to us, while the driving snow and hail made it impossible to remain exposed. Inside the tents was wet and cold and dreary. Packed close as we were, all moving around inside was out of the question, and our feet were seemingly freezing all the time. Beating them on our ice floor only made them ache, and using sticks as a bastinado, though making our feet tingle, hardly added to our comfort. We could do nothing but sit and take it, brightening up a little when hot coffee at dinner and hot tea at supper thawed us somewhat.

At seven p.m. the barometer had fallen to 29.55, at 34°, and was apparently on the stand, so I hope we may have a change by to-morrow morning. A prolonged delay here, unless followed by open water, would be a serious thing for us. It would seem that I am not to get a time sight while here, for not once have I had an opportunity.

The gale has loosened much of the rotten rock on the cliff abreast our camp, and during the day frequent showers of dirt and stones have fallen. Last night a terrific amount shot down and threatened to bury us. No. 2 tent turned out to a man, but the rest of took it quietly. In fact, after our experiences, we are prepared for everything and surprised at nothing.

AUGUST 5TH, FRIDAY.—Called all hands at six a.m. Breakfasted at seven a.m. Wind moderating somewhat, apparently W. Barometer 29.57 at 34°. Temperature 28°. The clouds seemed inclined to break away, and the sun threatened to show through, but though I watched carefully during the forenoon there was no chance to get a time sight, such a mist, or rain or snow fell all the time, that my sextant and artificial horizon were useless, from the streams of moisture on their glasses. Sent Mr. Dunbar to deposit our record in a cairn one mile east from Cape Emma.

I, this afternoon, was forced to have shot ten of our poorest dogs, including Tom and Jim. We have now twelve left: Prince, Smike, Snoozer, Armstrong, Dick, Pilgarlic, Geyotack, Magalan, Kasmatka, etc. The amount of food these ten dogs eat is not compensated for by the work done, and I must think of human life first. The dogs were all worn out or subject to fits.

The sun showed about 4.45, and I got fair sights, giving longitude E. 148° 20', the best I can do under the circumstances.

There is a berg outside of us aground in five fathoms, probably thirty feet out of water; sixty feet would be height of glacier foot. Barometer rising at eight p.m. 29.63, at 34°. Temperature 28°. We start tomorrow.

* * *

EXHIBIT 6

SENATE JOINT RESOLUTION NO. 12 IN THE LEGISLATURE OF THE STATE OF ALASKA

Whereas the boundaries of the state are a vital concern of the government of the state; and

Whereas the sovereignty of a state within the federal system of the United States requires that a state government have complete and unambiguous jurisdiction over an area determined by well-defined geographical boundary lines; and

Whereas whenever the boundaries of a state are to be altered, the state has an essential and overriding interest in the determination of the boundary; and

Whereas Alaska is unique among the 50 states because it is the only state with the potential for having boundaries with more than one foreign country; and

Whereas boundaries between a foreign country and a state are, and should be, coterminous with the national boundaries of the United States and the foreign country; and

Whereas negotiations are underway between the U.S. Department of State and the government of the Soviet Union over setting the boundaries between the United States and the Soviet Union; and

Whereas at least seven rounds of boundary negotiations between the United States and the Soviet Union have occurred since 1981; and

Whereas although the U.S. negotiation delegations have included representatives of various federal agencies, the Department of State has never allowed or offered to invite a representative of the state to join the U.S. delegation to the boundary negotiations or formally solicited the input or advice of the state about the content or strategy of the negotiations; and

Whereas the negotiations involve important economic issues dealing with the petroleum, fishery, and other resources of the state and affecting the welfare and prosperity of the people of the state; be it

Resolved, That the Alaska State Legislature petitions the U.S. Department of State to include a representative of the state, appointed by the governor with the consent of the legislature, on all delegations that negotiate the boundaries between the state and the Soviet Union or Canada, including delegations that conduct preparatory deliberations and studies; and be it further,

Resolved, That the Alaska State Legislature respectfully requests that the Alaska delegation in Congress intercede on behalf of the state to secure a representative of the state on all boundary delegations that negotiate the boundaries of the state.

Copies of this resolution shall be sent to the Honorable Ronald Reagan, President of the United States; to the Honorable George Bush, Vice-President of the United States and President of the U.S. Senate; to the Honorable Jim Wright, Speaker of the U.S. House of Representatives; to the Honorable George Shultz, Secretary of the U.S. Department of State; and to the Honorable Ted Stevens and the Honorable Frank Murkowski, U.S. Senators, and the Honorable Don Young, U.S. Representative, member of the Alaska delegation in Congress.

EXHIBIT 7

SENATE JOINT RESOLUTION NO. 61 IN THE LEGISLATURE OF THE STATE OF ALASKA

Whereas Alaskans and other Americans remain justifiably grateful for the fortitude shown by Captain Thomas Long and the crew of the whaling bark *Nile* from New London, Connecticut who, on August 14, 1867, were the first to confirm the existence of a 1,740 square mile island in the Chukchi Sea; and

Whereas Wrangel Island, named by Captain Long after the former governor of Russian Alaska Baron Ferdinand Petrovich von Wrangel, is located some 270 miles northwest of Cape Lisburne, Alaska and is larger than the State of Rhode Island; and

Whereas Captain Long was the first to sight and to describe Wrangel Island, and the first recorded landing on the island occurred August 12, 1881, when Captain Calvin L. Hooper, commander of the Bering Sea Patrol, a division of the U.S. Treasury Department and as such, the de facto governor of Alaska, landed at Clark River on the eastern coast of Wrangel Island * * *

* * * * *

* * * "Blackjack" Johnson, who died just a few years ago in Alaska; and

Whereas a new party led by Charles Wells of Uniontown, Pennsylvania continued settlement on Wrangel Island; and

Whereas on May 13, 1924, Secretary of State Charles Evans Hughes stated that the American Lomen Brothers were the proprietary owners of Wrangel Island; and

Whereas on August 20, 1924, an armed party from the Soviet gunboat *Red October* landed on Wrangel Island, took Wells and the other Americans by force, and told them that they were being returned to Alaska; and

Whereas notwithstanding their promises, they took the Americans to Vladivostok and confiscated the pelts that the American trappers had accumulated during the 12 bitter months on the island; and

Whereas the Americans who survived their ordeal in Vladivostok were released following the intervention of the American consul at Harbin, Manchuria but Charles Wells and two residents of Alaska died while detained by the Soviet government; and

Whereas the residents of Alaska who survived their ordeal in Soviet Siberia were all from Golovin Bay, Alaska and they survived notwithstanding the severe physical and emotional trauma resulting from the assault, kidnapping false imprisonment, theft of property together with other violations of American and Alaska law by the agents of the Soviet regime; and

Whereas after seizing Wrangel Island, the Soviet government proceeded to seize more American soil by occupying the nearby and defenseless Herald Island; and

Whereas the Soviet government subsequently asserted a spurious claim to the American De Long Islands of Henrietta, Jeannette, and Bennett; and

Whereas these illegal acts by the Soviet government interrupted 57 years of peaceful use of these islands by American seamen, herders, and hunters; and

* * * * *

* * * ratified by the United States Senate; be it

Resolved, by the Alaska State Legislature, That the Government of the United States assert and reassert American sovereignty over Wrangel Island, Herald Island, and the De Long Islands of Henrietta, Jeannette, and Bennett, their resources, and their territorial shelf in behalf of the American people; and be it further

Resolved, That the Government of the United States make satisfactory compensation and restitution to the State of Alaska and its people for the loss of this territory resulting from the neglect of the United States Government to protect American lives and property when the lands were seized in 1924; and be it further

Resolved, That the State of Alaska asserts and reasserts its claim to Wrangel Island, Herald Island, and the De Long Islands of Henrietta, Jeannette, and Bennett and their surrounding continental shelf as an integral part of the State of Alaska; and be it further

Resolved, The Governor of the State of Alaska is requested to initiate appropriate legal claims for relief before the U.S. Foreign Claims Settlement Commission, the U.S. Court of Claims or other legal forums of the United States as may be appropriate.

Copies of this resolution shall be sent to the Honorable Ronald Reagan, President of the United States; to the Honorable George P. Shultz, Secretary of State; to the Honorable George Bush, Vice-President of the United States and President of the U.S. Senate; the Honorable Jim Wright, Speaker of the U.S. House of Representatives; and to the Honorable Ted Stevens and the Honorable Frank Murkowski, U.S. Senators, and the Honorable Don Young, U.S. Representative, members of the Alaskan delegation in Congress.

The PRESIDING OFFICER. Is there further debate on the amendment?

If not, the question is on agreeing to the amendment of the Senator from North Carolina.

The amendment (No. 387) was agreed to.

Mr. HELMS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. SYMMS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 337, AS MODIFIED

Mr. PELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. PELL. Mr. President, I ask unanimous consent that the Specter amendment regarding the international strike force previously agreed to by the Senate be modified with the text that has been cleared on both sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 337), as modified, is as follows:

At the appropriate place in the bill insert the following:

SEC. . ESTABLISHMENT OF AN INTERNATIONAL STRIKE FORCE.

It is the sense of the Congress that the President and the Secretary of State should call for international negotiations for the purpose of agreeing on the establishment of an international strike force to pursue and apprehend major international drug traffickers and terrorists.

SEC. . CREATION OF A MULTILATERAL ANTI-NARCOTICS STRIKE FORCE.

(a) FINDINGS.—The Congress finds that—

(1) the United States Congress has in the past sought approval for a multilateral strike force dedicated to the war on drugs;

(2) the proposal to create a multilateral, international anti-narcotics force as proposed by Prime Minister Michael Manley of Jamaica, is a plan worthy of praise and strong U.S. support;

(3) the Manley plan is the first operative proposal to use multilateral force against the drug cartels in Latin America made by a government leader in the Western Hemisphere;

(4) moreover, the proposal has been matched by Jamaica's parallel commitment to the drug war and by taking the lead in developing an independent, international strategy for the Western Hemisphere nations.

(b) SENSE OF THE CONGRESS.—It is therefore the sense of the Congress that—

United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 101st CONGRESS, SECOND SESSION

Vol. 136 WASHINGTON, THURSDAY, SEPTEMBER 20, 1990 No. 117

Senate

THE 100TH ANNIVERSARY OF THE U.S.S. "JEANNETTE" ARCTIC EXPEDITION

● Mr. WILSON. Mr. President, 100 years ago, a congressional medal was awarded to the crew of U.S.S. *Jeannette* "in commemoration of the perils encountered by the officers and men of the *Jeannette* Arctic Expedition and as an expression of the high esteem in which Congress holds their services in the said expedition."

On September 30, 1990, this centennial anniversary will be observed in Los Angeles, CA, by members of State Department Watch, a nonpartisan foreign affairs study group with approximately 15,000 members nationwide, 3,000 of whom reside in California.

It is appropriate at this time to illuminate once again the heroic Arctic expedition undertaken by the crew of U.S.S. *Jeannette* between 1879 and 1882. Commanded by Lt. George Washington DeLong, with Chief Engineer George W. Melville, the expedition resulted in the discoveries of Bennett, Henrietta, and Jeannette Islands, known together as the DeLong Islands.

From September 6, 1879, to June 12, 1881, U.S.S. *Jeannette* was caught in an ice pack of the Arctic Ocean where the ship was crushed and sank. The officers and crew abandoned ship and headed southward over hundreds of miles of icebergs and open ocean, eventually reaching land, but suffering the loss of approximately half of the crew, including Lieutenant DeLong.

The expedition of the U.S.S. *Jeannette* was a joint venture between Government and industry, cosponsored by the U.S. Navy and the New York Herald publisher, James Gordon Bennett. It is remembered and revered for its success in pushing forward the northward frontier of explored Arctic Ocean and providing valuable scientific knowledge to the world community.

The U.S. Congress will see fit to express its appreciation by awarding a medal to each crew member by an act of Congress to be approved on September 30, 1990.

I have the honor and privilege of bringing the historic accomplishments of U.S.S. *Jeannette* to the attention of my Senate colleagues today and would ask them to join with me in recognizing remarkable, unprecedented, and arduous expedition undertaken over 100 years ago by a crew whose courage and pioneering spirit opened new frontiers for the enlightenment and enrichment of their fellow man. We salute them again today in this Chamber of the U.S. Senate as they were saluted 100 years ago, with national pride and with gratitude and respect for the great legacy the crew of U.S.S. *Jeannette* left to our Nation.●

Exhibit 33

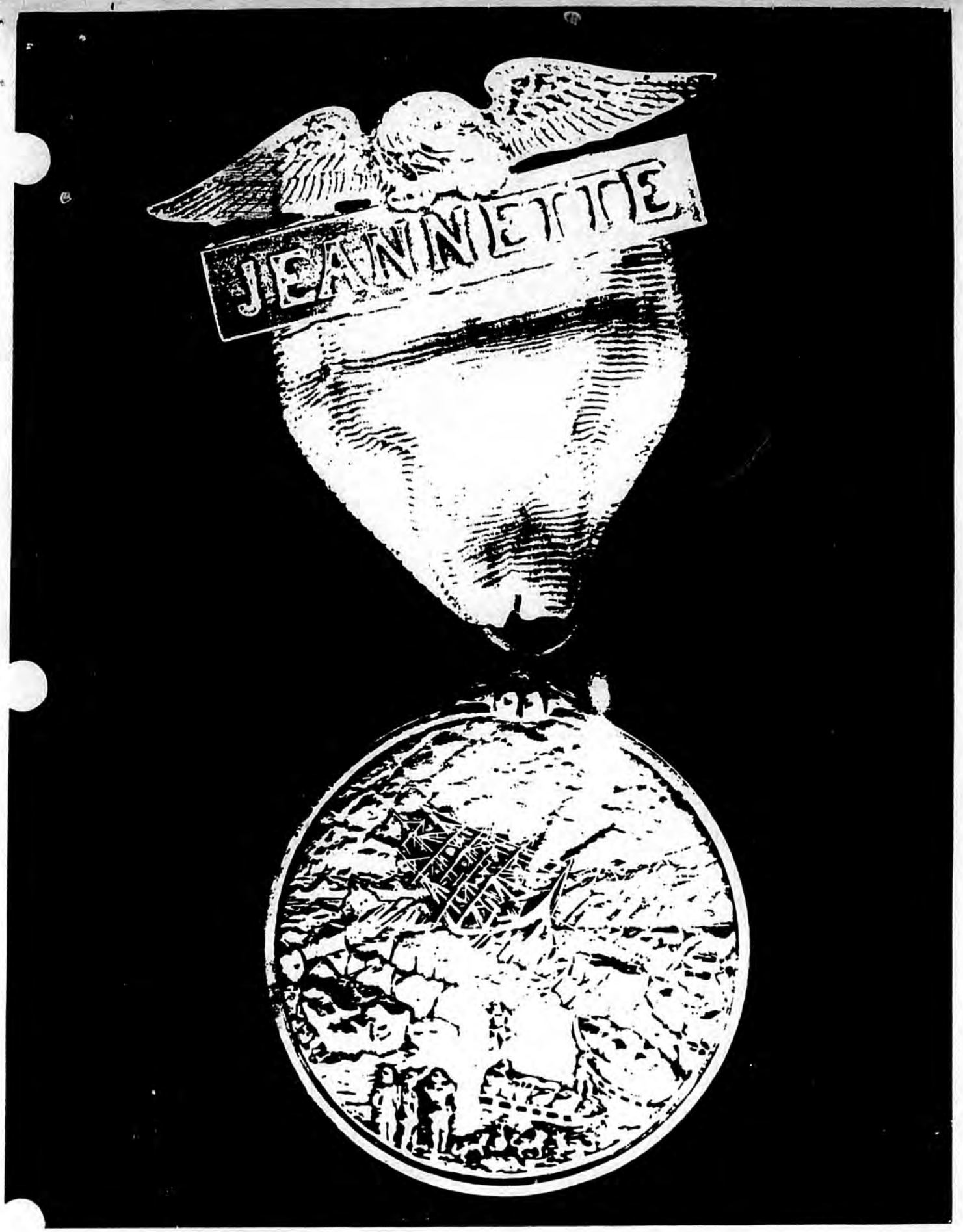

Exhibit 34

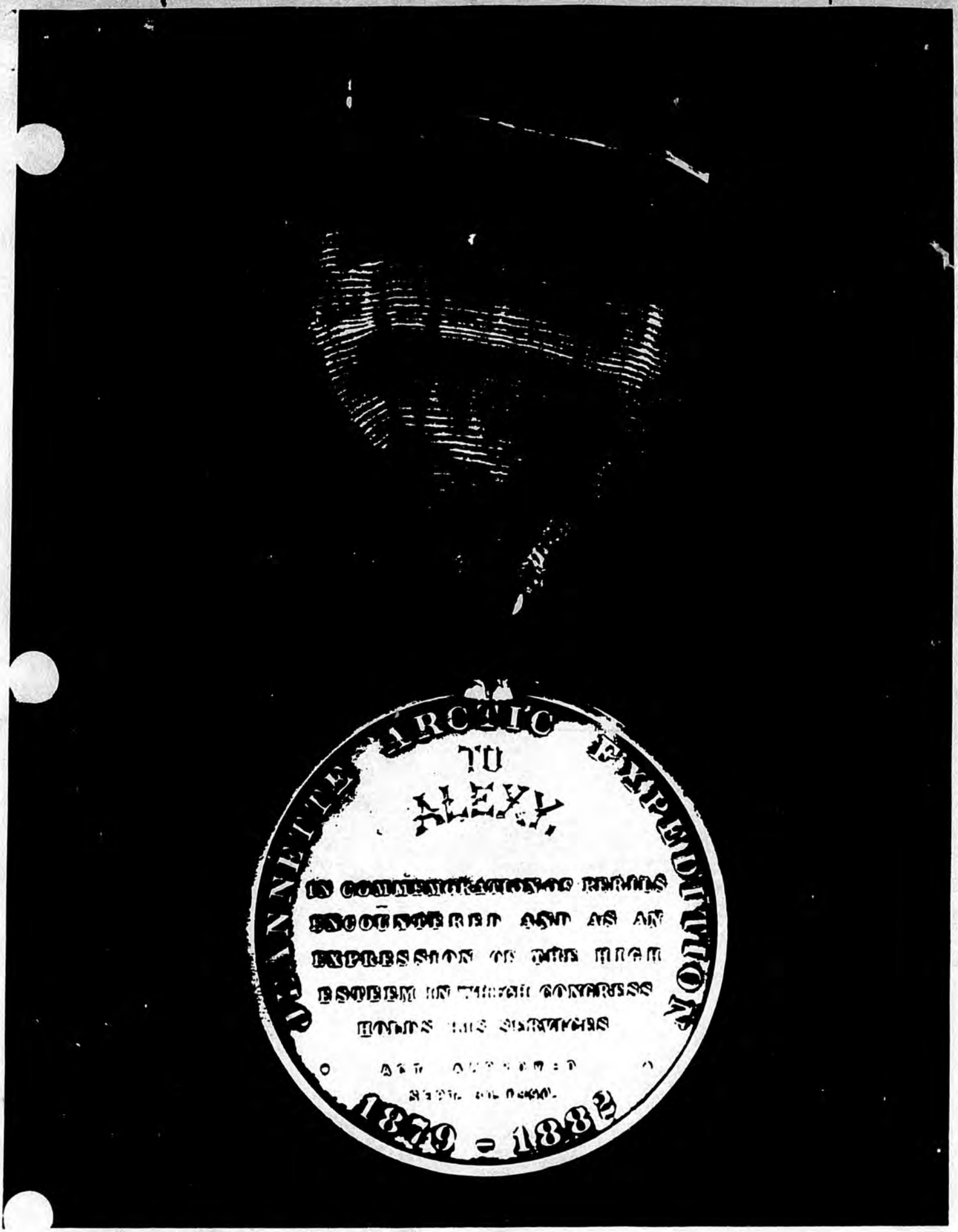

Exhibit 35

THE UNITED STATES OF AMERICA", Vol. 4
Edited by Hunter Miller
Published by U.S. Department of State, 1934

by virtue of possession, and more; that she obtained much more than she could claim under the letter of the Treaty of Paris; and that she obtained nearly 900 square miles of territory in the basin of the upper St John over and above that awarded by the king of the Netherlands. She conceded an area of 150 square miles in the basin of the upper Connecticut River. She also conceded a strip between the 45th parallel and the 'old line' with an area of 73 square miles, but, as the 'old line' is in places south of the 45th parallel, she received, east of St Regis, a strip containing 11½ square miles. So far as these 'strips' were concerned, the United States and Great Britain had valid titles by virtue of occupation, and the *concessions* were simply validations. In addition to the foregoing the Ashburton settlement ended a controversy that had disturbed the relations of the two countries for nearly sixty years; that had, on several occasions, brought two great nations to the verge of war; and that had seriously interfered with commercial intercourse. Finally, it is worthy of note that the commission appointed to adjust the respective claims of New Brunswick and Quebec to the area west of the 'due north line' awarded to Great Britain by the Ashburton Treaty, reported in 1848, six years later, 'that a tract of country lies between the north highlands westward of the due north line, and the line of the United States, which, *according to the strict legal rights of the two provinces, belongs to neither*, . . . and which, in 1763, formed part of the ancient territory of Sagadahock.' This 'tract of country' was confirmed to Great Britain by the Ashburton Treaty.

The Northeastern Boundary Negotiations

While the negotiations were carried on at Washington by Secretary of State Daniel Webster and Lord Ashburton, those negotiations, so far as they concerned the northeastern boundary, were in a very real sense participated in by commissioners of Maine and of Massachusetts appointed at the suggestion and request of President Tyler. In the letters of Webster to the Governors of Maine and Massachusetts dated April 11, 1842 (published correspondence, 64–66), it was expressly stated that no conventional line would be agreed on "without the assent of such commissioners"; and the first formal note written on the northeastern boundary question was that of Ashburton to Webster of June 13, 1842, the day on which Webster had his first conference with the commissioners of the two States, who were Edward Kavanagh, Edward Kent, John Otis, and William Pitt Preble, for Maine, and Abbott Lawrence, John Mills, and Charles Allen, for Massachusetts (*ibid.*, 34–37, 71, 72).

Massachusetts had property interests which were affected by any settlement of the northeastern boundary, for in the public lands of Maine a half interest was reserved by Massachusetts upon the separation (act of June 19, 1819, Laws of the Commonwealth of Massachusetts, 1819, 248–60; and act of March 3, 1820, 3 Statutes at Large, 544); and the frontier in dispute was very largely that of Maine, though partly that of New Hampshire, Vermont, and New York. Indeed, the Legislature of the State of Maine did not consider that the Government of the United States possessed "the constitutional power to conclude any such negotiation without the assent of Maine" (published correspondence, 70), a view which was also expressed by the Legislature of Massachusetts (*ibid.*, 64); that theory should doubtless be considered in the light (*inter alia*) of Article 5 of the Treaty of Ghent (Document 33) and the proceedings thereunder, and particularly of the fact that under that article and the convention

of September 29, 1827 (Document 58), a reference had been made of the northeastern boundary question to arbitration by the King of the Netherlands.

That constitutional theory, moreover, had been explicitly supported by the Federal Government during the negotiations with Great Britain which followed the decision of the King of the Netherlands of January 10, 1831, regarding the northeastern boundary, and the subsequent refusal of the Senate, on June 23, 1832, to accept that award; the British Government at various times and in varied language had been officially informed that "under the peculiar structure of our political system, the Federal Government cannot alienate any portion of the territory of a State, without its consent" (Secretary of State Forsyth to Sir Charles R. Vaughan, D.S., 6 Notes to the British Legation, 18, April 28, 1835). President Jackson in 1832 had had negotiated and signed an agreement between the United States and the State of Maine providing for the relinquishment to the United States of any rights of that State in the disputed territory; the text of that agreement is printed in the notes to Document 58, which should be consulted generally; that agreement, however, failed to go into force, owing to the decision of the Maine Legislature that a referendum thereon would be necessary (see Burrage, Maine in the Northeastern Boundary Controversy, ch. X). So far as the Executive could decide such a question, the constitutional view of the State of Maine had been accepted by the Government of the United States, although the extreme Maine view, which went so far as to maintain that the convention of September 29, 1827, with Great Britain (Document 58) "tended to violate the Constitution of the United States and to impair the sovereign rights and powers of the State of Maine, and that Maine is not bound by the Constitution to submit to the decision, which is or shall be made under that convention" (Resolves of Maine, 1831, 245, resolve of February 28, 1831), was not supported at Washington (D.S., 6 Notes to the British Legation, 16, April 28, 1835):

> If the distinguished Arbiter agreed upon had found himself able to come to a decision upon the subject satisfactory to his own judgment, the Government of the United States would not have hesitated for a moment, whatever might have been its opinion of the justice of such decision, to have united with His Majesty's Government in carrying it fully and immediately into effect.

In a long letter to Governor Kent, of Maine, dated March 1, 1838, reviewing the history of the northeastern boundary negotiations up to that time, Secretary of State Forsyth thus restated the constitutional principles involved as seen by President Van Buren; and it is to be noted that "imperious public necessity" was mentioned as a possible ground of competence (to negotiate a cession) which otherwise the Federal Government would lack (D.S., 29 Domestic Letters, 336–38; Richardson, III, 442–59):

> The principles which have hitherto governed every successive administration of the Federal Government, in respect to its powers and duties in the matter, are—
>
> 1st That it has power to settle the boundry line, in question, with Great Britain, upon the principles and according to the stipulations of the treaty of

Exhibit 36

1783, either by direct negotiation, or, in case of ascertained inability to do so, by arbitration; and that it is its duty to make all proper efforts to accomplish this object by one or the other of those means.

2d That the General Government is not competent to negotiate, unless perhaps on grounds of imperious public necessity, a conventional line involving a cession of territory to which the state of Maine is entitled, or the exchange thereof for other territory not included within the limits of that State, according to the true construction of the treaty without the consent of the State.

In these views of his predecessors in office, the President fully concurs, and it is his design to continue to act upon them.

In the similar letters of Webster to the Governors of Maine and Massachusetts dated April 11, 1842 (D.S., 32 Domestic Letters, 288–91; published correspondence, 64–66) were these paragraphs:

The opinion of this Government upon the justice and validity of the American claim has been expressed, at so many times, and in so many forms, that a repetition of that opinion is not necessary. But the subject is a subject in dispute. The Government has agreed to make it matter of reference and arbitration; and it must fulfil that agreement, unless another mode for settling the controversy should be resorted to, with the hope of producing a speedier decision. The President proposes, then, that the Governments of Maine and Massachusetts should, severally, appoint a Commissioner or Commissioners empowered to confer with the authorities of this Government upon a Conventional line, or line by agreement, with its terms, conditions, considerations and equivalents, with an understanding that no such line will be agreed upon without the assent of such commissioners.

This mode of proceeding, or some other which shall express assent before hand, seems indispensable, if any negotiation for a Conventional line is to be had, since if happily, a treaty should be the result of the negotiation, it can only be submitted to the Senate of the United States for ratification.

The Legislature of Massachusetts had previously (March 3, 1842) granted plenary power to "the governor, with the advice and consent of the council, . . . to adopt such measures to secure the rights and interests of the Commonwealth in said territory, and to produce an honorable and satisfactory adjustment as the emergency may demand"; under that authorization the three commissioners of Massachusetts were named (Acts and Resolves Passed by the Legislature of Massachusetts, 1839–42, 564; published correspondence, 63–64, 66–69); Webster was formally notified by the Secretary of State of Massachusetts of their appointment (D.S., Northeastern Boundary, envelope 18, letter of John P. Bigelow of May 28, 1842).

The Legislature of Maine was summoned in extra session; and a preamble and five resolutions were adopted on May 26, which included the following (Acts and Resolves Passed by the Legislature of Maine, 1842, 111; published correspondence, 69–71):

Resolved, That there shall be chosen, by ballot, in convention of both branches of the legislature, four persons who are hereby constituted and appointed commissioners, on the part of this state, to repair to the seat of government of the United States, and to confer with the authorities of that government touching a conventional line, or line by agreement, between the state of Maine and the British provinces, having regard to the line designated by the treaty of 1783 as uniformly claimed by this state, and to the declarations and views expressed in the foregoing preamble, and to give the assent of this state to any such conventional line, with such terms, conditions, considerations and equivalents as they shall deem consistent with the honor and interests of the state; with the understanding that no such line be agreed upon without the unanimous assent of such commissioners.

President Tyler was formally notified by the Governor of Maine (John Fairfield) of the election of the four commissioners of Maine (published correspondence, 69, letter of May 27, 1842).

By a resolution of the Legislature of New Hampshire of June 23, 1842, the Senators and Representatives of that State in Congress were requested "to take such measures as may be necessary, during the pending negotiations at Washington relative to the Northern and North Eastern Boundary of the United States, to best sustain the rights of this State to the territory over which we have always heretofore claimed and exercised jurisdiction" (Laws of New Hampshire, June 1842, 599). That resolution, however, was not communicated to President Tyler until July 15, 1842, when the northeastern boundary had been settled as between Webster and Ashburton, with full satisfaction of the claim of New Hampshire; and the participation of the New Hampshire delegation in Congress in the proceedings appears to have been limited to the submission, on July 19, 1842, of a brief statement citing certain documents and papers (see published correspondence, 99–102).

Aside from the formal exchanges of June 17, 1842 (*ibid.*, 38), the written negotiations regarding the northeastern boundary comprised four notes (*ibid.*, 34–37, 39–56), three of Ashburton (June 13, June 21, and July 11) and one of Webster (July 8), with which is to be read its enclosure, the letter of the Maine commissioners to Webster of June 29 (*ibid.*, 72–80); also to be mentioned is a second letter of the Maine commissioners to Webster of July 16 (*ibid.*, 84–91), which, while dated after the accord of the two Plenipotentiaries, was doubtless drafted before the terms thereof were communicated. Moreover, during the period of the correspondence there were informal communications of one sort and another (see *ibid.*, 77, 79).

There was expressed a common desire to avoid "the interminable discussion on the general grounds on which each party considers their claims respectively to rest"; notwithstanding this, a considerable portion of the correspondence was argumentative, with historical and geographical references.

In his first note, of June 13, Ashburton gave no precise indication of a line to be proposed; but he spoke of the portion of the disputed territory which might come to Great Britain as being "as worthless for any purposes of habitation or cultivation as probably any tract of equal size on the habitable globe"; and he even suggested that Great Britain would have given up the controversy "if it were not for the obvious circumstance of its connecting the British North American provinces". That necessity of intercolonial communication was the admitted basis of any agreement for a conventional line; it is mentioned in each of the two above-cited letters of the Maine commissioners and is spoken of with emphasis in the note of Webster, who acknowledged "the general justice and propriety of this object" and agreed that "a conventional line ought to be such as to secure it to England".

Ashburton made the first proposal in his note of June 21, after a formal conference on June 18, of which there is no protocol. He

proposed a line north from the source of the St. Croix to the St. John (the line of 1817–18, regardless of its deviation from the true north), and the line of the St. John "up to some one of its sources" (a somewhat ambiguous expression, but meaning approximately up to the source of the southwest branch as mentioned in Article 1 of the treaty), except for a deviation on the right bank so as to include in New Brunswick the whole of the Madawaska settlement, which extended on both sides of the river "from the mouth of the Madawaska up to that of the Fish river"; and with that boundary he was willing to engage that "all lumber and produce of the forest of the tributary waters of the St. John's shall be received freely without duty, and dealt with in every respect like the same articles of New Brunswick", to agree to the old Valentine and Collins line from the Connecticut to the St. Lawrence, and also to accept the American contention as to the source of the Connecticut.

The note of Webster of July 8 presented and supported the counterproposal of Maine (see the letter of the Maine commissioners of June 29). The yielding of any territory on the south side of the St. John so as to include the Madawaska settlement in New Brunswick was definitely rejected. The counterproposal of boundary, with the concurrence of the commissioners of Massachusetts and with the condition that the United States would furnish to the two States "an equivalent", was the main channel of the St. John (from the crossing point of the due-north line from the source of the St. Croix) to a point three miles above the mouth of the Madawaska; thence straight to the outlet of Long Lake; thence westerly by a direct line to the point where the St. Francis enters Lake Pohenegamook; and thence, continuing the same line, to the highlands dividing the waters of the River du Loup from those of the St. Francis (the various *loci* may be conveniently seen on the map in Moore, International Arbitrations, I, between pp. 148 and 149); and while it was intimated that equivalents to some extent might be found if territorial cessions by Great Britain were possible, such as the island of Grand Manan, the islands in Passamaquoddy Bay, or a portion of the so-called strip between the north line and the St. John, it was understood that the British Plenipotentiary was without power to consent thereto.

The last note written before the verbal accord was that of Ashburton of July 11. He intimated that he would yield on the question of the Madawaska settlement; but he made it clear that he could not and would not yield as to the territory north and east of the St. Francis, which was British territory under the line proposed by the King of the Netherlands; Ashburton's final instructions as to the northeastern boundary had definitely limited him to that line (Ashburton Papers, instruction No. 8, May 26, 1842).

Thus the correspondence ended; as Ashburton urged, it was succeeded by conferences, of which there is no formal record. Sending to the Maine commissioners the note of Ashburton of July 11, Webster wrote on July 12 that he would soon meet with them, "being very desirous of making progress in the business in which we are engaged,

and satisfied that the various parties in interest are as well prepared now to come to a decision as they are likely to be at any time hereafter" (published correspondence, 81).

The position as it was left by the correspondence was this: North from the source of the St. Croix to the St. John and thence as far up the St. John as a point just beyond the mouth of the Madawaska, there was common ground; the portion of the region north of the St. John and between the St. Francis and the Madawaska which Maine had demanded, Ashburton had positively refused; for any agreement to be reached it was essential that that part of the claim of Maine should be abandoned; there was left for discussion an area which may be described as bounded on its three sides by a line as follows: (*a*) along the upper St. John from the mouth of the St. Francis to Metjarmette [1] portage (the line proposed by Ashburton); (*b*) along the highlands from that portage north to a point about due west of the entrance to Lake Pohenegamook; and (*c*) thence to and through that lake and down the St. Francis to the St. John. The result was that the claim of Maine to any territory between the St. Francis and the Madawaska north of the St. John was given up; and the remaining area in dispute was divided. One may learn something of the verbal discussions from the despatches of Ashburton of July 28 and August 9 (Nos. 15 and 17, quoted below).

An accord on the northeastern boundary was reached by the negotiators for the two Governments just prior to July 15, 1842. That it had not been reached by July 13 appears from Ashburton's despatch No. 13 of that date, as follows (Ashburton Papers):

> The last Despatch which I had the honor of addressing your Lordship the 29th of last month № 10 on the subject of my negotiations relating to the North Eastern Boundary must have conveyed expectations of an earlier and more satisfactory settlement than I regret to say, I have, with every exertion on my part, been hitherto able to realize. Delay and difficulties have resulted from the present condition of this Government and from the pertinacious resistance of the Commissioners from the North by whom that Government is in this business guided and over-ruled. If I were not warned by the past from over-confidence, I should say that two or three days more could not fail to bring us to a settlement and to the outlines of a convention, but I fear that it may be on rather less favorable terms, than I had given your Lordship to expect. I now proceed to state what has occurred on this subject since I last wrote.
>
> The written proposals submitted by me having circulated among the Commissioners from Maine and Massachusetts, I soon learned that although they differed much among themselves about some parts of them, they all concurred with great earnestness on the one point that we were not to be permitted to cross the St John, nor consequently to save the southern portion of the Madawaska settlements. I was assured by the best-informed and by the best-disposed persons from New England, that the Commissioners would not dare to return to their own country after making such a concession, and finding indirectly that our pretensions in this respect would be considered extravagant in the Senate, and through the whole country, I made up my mind not further to press this part of our claim, especially as I had no equivalent to offer in territory, and I thought it neither prudent nor expedient to offer any in money.
>
> The Commissioners from Maine submitted to the Secretary of State an answer to my proposals, and after keeping it some time the latter sent it to me with his own [illegible] reply, as no regular communications could take place between the

[1] Now spelled "Metgermette".

Commissioners and me. Your Lordship will find these two papers inclosed. As these discussions began to be talked of abroad, as it was rumoured that serious differences existed, and as I was sensible that injury might arise from drawing the public press into the controversy, I lost no time and sent Mr Webster my note the day after the receipt of his. It is also enclosed herewith. [The three enclosures to this despatch are (*a*) Webster to Ashburton, July 8, 1842 (published correspondence, 44–50); (*b*) the Maine commissioners to Webster, June 29, 1842 (*ibid.*, 72–80); (*c*) Ashburton to Webster, July 11, 1842 (*ibid.*, 50–56).]

These papers will shew your Lordship the present state of this question, and require little explanation. You will see that I invite personal conference in preference to a long desultory controversial correspondence because at this advanced period of the Session, and in the state of parties here, delay might wholly defeat our object, and there can be no doubt that, with some at least, that defeat is much desired.

It will be observed that the informal memorandum of the Maine Commissioners contains some rather coarse insinuations which would hardly have passed unnoticed, if presented in any other form. Your Lordship will see that, though I thought it best to give them no direct attention, they induced me to state our sense of our own rights in rather a firmer tone than I otherwise should have done, and I have reason to believe that this has been of service towards accelerating a termination of these discussions.

I can hardly now hope to communicate by this packet any final settlement of this question. Various rumours will of course reach Europe, as to the probability of any settlement whatever. I am not myself apprehensive of not coming to some terms within the limits of my powers, but the difficulties of my task have certainly increased, owing to the character of the persons who influence this negotiation, and of those whose duty it is more immediately to conduct it with me. I trust your Lordship will be assured that it has not failed to receive from me the most anxious and cautious attention.

July 14 is almost certainly the exact date of the agreement reached by the two Plenipotentiaries regarding the northeastern boundary. In the archives of the Department of State is an annotated copy of the second edition of Dashiell's Map, the edition which was issued after the award of the King of the Netherlands of January 10, 1831, regarding the northeastern boundary; Dashiell's Map, which was based, in its watercourses and its disputed boundary lines, on Map A of the convention of September 29, 1827 (Document 58, the notes to which, particularly p. 356, should be consulted), showed, as originally issued in 1830, the northeastern boundary lines as claimed by the two countries, drawn in green for the United States and in red for Great Britain; the second edition of that map (of which the archives of the Department of State contain some fifty examples, of one or the other of the editions) added a yellow line as the line "of the Arbiter" or the line suggested by the King of the Netherlands; the annotated copy mentioned is signed "W. S. Derrick" in the upper margin; it has, in the handwriting of William S. Derrick, then a senior clerk and soon afterwards Chief Clerk of the Department of State, the notation. "The blue ink marks the proposed conventional line. 14 July, 1842"; the signature and the notation are written in the same blue ink as is the line drawn to show the northeastern boundary according to the Webster-Ashburton Treaty; the evidence is convincing that that copy of Dashiell's Map was annotated by Derrick on July 14, 1842, to show the agreement of Webster and Ashburton then reached (see "An Annotated Dashiell's Map", in American Historical Review, XXXVIII, 70–73); and it may be added that it was William

S. Derrick who took to London for exchange the United States instrument of ratification of the Webster-Ashburton Treaty, with authority, if occasion arose, to act in place of Everett in making the exchange (D.S., 15 Instructions, Great Britain, 58–59; 3 Credences, 26).

In his letters of July 15 to the commissioners of Maine and Massachusetts, enclosing a statement of the proposed line of the northeastern boundary in almost the exact language of Article 1 of the treaty, Webster wrote as follows (published correspondence, 81–83; a draft in Webster's handwriting is in D.S., Northeastern Boundary, envelope 18):

You have had an opportunity of reading Lord Ashburton's note to me of the 11th of July. Since that date I have had full and frequent conferences with him respecting the eastern boundary, and believe I understand what is practicable to be done on that subject, so far as he is concerned. In these conferences he has made no positive or binding proposition, thinking perhaps it would be more desirable, under present circumstances, that such proposition should proceed from the side of the United States. I have reason to believe, however, that he would agree to a line of boundary between the United States and the British provinces of Canada and New Brunswick, such as is described in a paper accompanying this (marked B), and identified by my signature [see published correspondence, 83–84; D.S., Northeastern Boundary, envelope 18, a draft copy with interlineations and corrections].

In establishing the line between the monument and the St. John, it is thought necessary to adhere to that run and marked by the surveyors of the two Governments in 1817 and 1818. There is no doubt that the line recently run by Major Graham is more entirely accurate; but, being an *exparte* line, there would be objections to agreeing to it without examination, and thus, another survey would become necessary. Grants and settlements, also, have been made, in conformity with the former line, and its errors are so inconsiderable that it is not thought that their correction is a sufficient object to disturb these settlements. Similar considerations have had great weight in adjusting the line in other parts of it.

The territory in dispute between the two countries contains 12,027 square miles, equal to 7,697,280 acres.

By the line described in the accompanying paper, there will be assigned to the United States 7,015 square miles, equal to 4,489,600 acres; and to England 5,012 square miles, equal to 3,207,680 acres.

By the award of the King of the Netherlands, there was assigned to the United States 7,908 square miles, 5,061,120 acres; to England 4,119 square miles, 2,636,160 acres.

The territory proposed to be relinquished to England, south of the line of the King of the Netherlands, is, as you will see, the mountain range, from the upper part of the St. Francis river to the meeting of the two contested lines of boundary, at the Metjarmette Portage, in the highlands, near the source of the St. John's. This mountain tract contains 893 square miles, equal to 571,520 acres. It is supposed to be of no value for cultivation or settlement. On this point you will see, herewith, a letter from Captain Talcott, who has been occupied two summers in exploring the line of the highlands, and is intimately acquainted with the territory. The line leaves to the United States, between the base of the hills and the left bank of the St. John, and lying along upon the river, a territory of 657,280 acres, embracing, without doubt, all the valuable land south of the St. Francis and west of the St. John. Of the general division of the territory, it is believed it may be safely said that while the portion remaining with the United States is, in quantity, seven twelfths, in value it is at least four fifths of the whole. [For the letter of Captain Talcott, see published correspondence, 84.]

Nor is it supposed that the possession of the mountain region is of any importance, in connexion with the defence of the country or any military operations. It lies below all the accustomed practicable passages for troops into and out of Lower Canada: that is to say, the Chaudière, Lake Champlain, and the Richelieu, and the St. Lawrence. If an army, with its *materiel*, could possibly pass into

Canada over these mountains, it would only find itself on the banks of the St. Lawrence *below* Quebec; and, on the other hand, it is not conceivable that an invading enemy from Lower Canada would attempt a passage in this direction, leaving the Chaudière on one hand and the route by Madawaska on the other.

If this line should be agreed to, on the part of the United States, I suppose that the British minister would, as an equivalent, stipulate, first, for the use of the river St. John, for the conveyance of the timber growing on any of its branches, to tide water, free from all discriminating tolls, impositions, or inabilities of any kind, the timber enjoying all the privileges of British colonial timber. All opinions concur that this privilege of navigation must greatly enhance the value of the territory and the timber growing thereon, and prove exceedingly useful to the people of Maine. Second: That Rouse's Point, in Lake Champlain, and the lands heretofore supposed to be within the limits of New Hampshire, Vermont, and New York; but which a correct ascertainment of the 45th parallel of latitude shows to be in Canada, should be surrendered to the United States.

It is probable, also, that the disputed line of boundary in Lake Superior might be so adjusted as to leave a disputed island within the United States.

These cessions on the part of England would enure partly to the benefit of the States of New Hampshire, Vermont, and New York, but principally to the United States. The consideration on the part of England, for making them, would be the manner agreed upon for adjusting the eastern boundary. The price of the cession, therefore, whatever it might be, would in fairness belong to the two States interested in the manner of that adjustment.

Under the influence of these considerations, I am authorized to say, that if the commissioners of the two States assent to the line as described in the accompanying paper, the United States will undertake to pay to these States the sum of two hundred and fifty thousand dollars, to be divided between them in equal moieties; and, also, to undertake for the settlement and payment of the expenses incurred by those States for the maintenance of the civil posse, and also for a survey which it was found necessary to make.

The line suggested, with the compensations and equivalents which have been stated, is now submitted for your consideration. That it is all which might have been hoped for, looking to the strength of the American claim, can hardly be said. But, as the settlement of a controversy of such duration is a matter of high importance, as equivalents of undoubted value are offered, as longer postponement and delay would lead to further inconvenience, and to the incurring of further expenses, and as no better occasion, or perhaps any other occasion, for settling the boundary by agreement, and on the principle of equivalents, is ever likely to present itself, the Government of the United States hopes that the commissioners of the two States will find it to be consistent with their duty to assent to the line proposed, and to the terms and conditions attending the proposition.

The President has felt the deepest anxiety for an amicable settlement of the question, in a manner honorable to the country, and such as should preserve the rights and interests of the States concerned. From the moment of the announcement of Lord Ashburton's mission, he has sedulously endeavored to pursue a course the most respectful towards the States, and the most useful to their interests, as well as the most becoming to the character and dignity of the Government. He will be happy if the result shall be such as shall satisfy Maine and Massachusetts, as well as the rest of the country. With these sentiments on the part of the President, and with the conviction that no more advantageous arrangement can be made, the subject is now referred to the grave deliberation of the commissioners.

Both Maine and Massachusetts gave their formal assent to the proposal, subject to certain conditions. The assent of the commissioners of Massachusetts is dated July 20, 1842 (D.S., Northeastern Boundary, envelope 18; published correspondence, 92–93), and concludes as follows:

Whether the national Boundary, suggested by you, be suitable or unsuitable; whether the compensations that Great Britain offers to the United States for the territory conceded to her, be adequate or inadequate; and whether the Treaty,

which shall be effected, shall be honorable to the Country, or incompatible with its rights and dignity,—are questions, not for Massachusetts, but for the General Government, upon its responsibility to the whole country, to decide. It is for the State to determine, for what equivalents she will relinquish to the United States her interests in certain lands in the Disputed Territory, so that they may be made available to the Government of the United States, in the establishment of the North-Eastern Boundary, and in a general settlement of all matters in controversy, between Great Britain and the United States. In this view of the subject, and with the understanding that by the words, "the nearest point of the highlands", in your description of the proposed line of boundary, is meant, the nearest point of the crest of the highlands; that the right to the free navigation of the river Saint John shall include the right to the free transmission thereupon of all products of the soil as well as of the forest; and that the pecuniary compensation to be paid by the Federal Government to the State of Massachusetts, shall be increased to the sum of one hundred and fifty thousand dollars, the State of Massachusetts, through her Commissioners, hereby relinquishes to the United States her interest in the lands, which will be excluded from the dominion of the United States, by the establishment of the Boundary aforesaid.

The conditions stated on behalf of Massachusetts were all met by the terms of the treaty; the words "the nearest point of the summit or crest of the highlands" are in Article 1 (they are indeed in the print of the paper "B" in published correspondence; but in the draft copy thereof "summit or crest of the" are interlined, and at the end of the same sentence "summit or crest" replace "dividing highlands"); "produce . . . of agriculture" is included in Article 3; and the sum to be paid to Maine and Massachusetts "in equal moieties" (Article 5) is $300,000.

The assent of the commissioners of Maine was under date of July 22 (D.S., Northeastern Boundary, envelope 18; published correspondence, 93–99); its concluding paragraph and the memorandum therein mentioned are in these terms:

We are, now, given to understand that the Executive of the United States, representing the sovereignty of the Union, assents to the proposal, and that this Department of the Government at least is anxious for its acceptance, as, in its view, most expedient for the general good. The Commissioners of Massachusetts have already given their assent, on behalf of that Commonwealth. Thus situated, the Commissioners of Maine, invoking the spirit of attachment and patriotic devotion of their State to the Union, and being willing to yield to the deliberate convictions of her Sister-States as to the path of duty, and to interpose no obstacles to an adjustment which the general judgment of the Nation shall pronounce as honorable and expedient, even if that judgment shall lead to a surrender of a portion of the birth-right of the People of their State, and prized by them because it is their birth-right, have determined to overcome their objections to the proposal, so far as to say, that if, upon mature consideration, the Senate of the United States shall advise, and consent to, the ratification of a Treaty, corresponding in its terms with your proposal, and with the conditions in our Memorandum accompanying this note, marked A, and identified by our signatures, they, by virtue of the power vested in them by the Resolves of the Legislature of Maine, give the assent of that State to such Conventional line, with the terms, conditions and equivalents herein mentioned.

(A)

The Commissioners of Maine request that the following provisions, or the substance thereof, shall be incorporated into the proposed Treaty, should one be agreed on:

1st That the amount of the "disputed territory fund" (so called) received by the authorities of New Brunswick, for timber cut on the disputed territory, shall be paid over to the United States, for the use of Maine and Massachusetts, in

full, and a particular account rendered; or a gross sum to be agreed upon by the Commissioners of Maine and Massachusetts shall be paid by Great Britain, as a settlement of that fund; and that all claims, bonds and securities taken for timber cut upon the territory be transfered to the Authorities of Maine and Massachusetts:

2d That all grants of land, within that portion of the disputed territory conceded to Great Britain, made by Maine and Massachusetts, or either of them, shall be confirmed; and all equitable possessory titles shall be quieted to those who possess the claims; and we assent to a reciprocal provision for the benefit of settlers falling within the limits of Maine. And we trust that the voluntary suggestion of the British Minister, in regard to John Baker and any others, if there be any similarly situated, will be carried into effect, so as to secure their rights:

3d That the right of free navigation of the St. John, as set forth in the proposition of Mr Webster on the part of the United States, shall extend to, and include, the products of the soil, in the same manner as the products of the forest; and that no toll, tax or duty be levied upon timber coming from the territory of Maine.

The conditions of Maine were also embodied in the treaty text; Article 5 deals with the "Disputed Territory Fund"; by Article 4 grants of land in the disputed territory are confirmed; and the clauses of Article 3 are broad enough to cover the provisions desired by the commissioners of Maine regarding the navigation of the St. John River. The "voluntary suggestion of the British Minister, in regard to John Baker", is referred to below.

A statement of the agreement reached on the northeastern boundary question (Articles 1 and 3–6 of the treaty) was part of the note of Webster of July 27, which set forth the entire boundary settlement (Articles 1–7), with a detailed description of the line "proposed to be agreed to" (Articles 1 and 2). The answering note of Ashburton of July 29 gave his assent; there remained only the drafting of certain of the articles, some of which had been already written (see published correspondence, 58–62).

In the presidential message to the Senate of August 11 the assent of the two States to the boundary clauses was prominently mentioned. That message, which deals with the whole negotiation and which was written by Daniel Webster (The Writings and Speeches of Daniel Webster, XII, 21), follows (published correspondence, 19–25):

I have the satisfaction to communicate to the Senate the results of the negotiations recently had in this city with the British minister special and extraordinary.

These results comprise—

1st. A treaty to settle and define the boundaries between the territories of the United States and the possessions of her Britannic Majesty in North America, for the suppression of the African slave-trade, and the surrender of criminals, fugitive from justice, in certain cases.

2d. A correspondence on the subject of the interference of the colonial authorities of the British West Indies with American merchant vessels driven by stress of weather, or carried by violence, into the ports of those colonies.

3d. A correspondence upon the subject of the attack and destruction of the steamboat Caroline.

4th. A correspondence on the subject of impressment.

If this treaty shall receive the approbation of the Senate, it will terminate a difference respecting boundary which has long subsisted between the two Governments—has been the subject of several ineffectual attempts at settlement, and has sometimes led to great irritation, not without danger of disturbing the

Crusader for Island 'n Soviet Union Says The FBI Paid a Visit

* * *

Seidenberg Says Two Agents Freed Him After Seeing Journal Story About Him

By Robert S. Greenberger
Staff Reporter of The Wall Street Journal

WASHINGTON—Mark Seidenberg, who has been badgering the U.S. for years to tell him about secret border negotiations with the Soviet Union, finally got some attention. Earlier this week, he says, he was briefly taken into custody by the Federal Bureau of Investigation.

Mr. Seidenberg's crusade—to get the U.S. to reclaim from the Soviets Wrangell Island, which is north of Siberia—was the subject of a front-page story in The Wall Street Journal Monday. Wednesday night, Mr. Seidenberg says, he was visited at his suburban apartment near Washington by two FBI agents, Robert Osgood and Keith Bolcar, who questioned him about a recent letter he had written to the State Department concerning the negotiations.

In the letter, the 40-year-old Agriculture [illegible]artment bureaucrat said he had infor[illegible] on about a meeting last month be[illegible]een State Department officials and Alaskan officials. He wrote that he would publicize the information, which he implied was on a tape, unless the State Department told him it was classified.

An FBI spokeswoman, Barbara Wallace, said the agency won't discuss the activities of its agents or whether an investigation is under way. However, Mr. Seidenberg's attorney, David Nolan, said he spoke to Mr. Osgood's supervisor, who confirmed that the two agents visited Mr. Seidenberg.

At his apartment, says Mr. Seidenberg, he wouldn't answer questions and refused to grant permission for a search because the agents didn't have a warrant. According to Mr. Seidenberg, the agents then told him they were taking him into custody. They refused Mr. Seidenberg's request to call his attorney; indeed, he says they even refused to let him bring along a Treasury bond that he wanted to use to post bail.

Escorted to the lobby of his building, Mr. Seidenberg gave his attorney's name and telephone number to a receptionist, and asked her to call. But the FBI agents warned her not to. The receptionist, Jeanne Shauklas, confirmed the incident in an interview yesterday.

Standing outside the building near the agents' automobile, Mr. Seidenberg was again questioned, and again refused to respond. After about 10 minutes, Mr. Seidenberg asked if he could put his hands in his pockets because he was cold. Not until his pockets were searched, the agents said. Mr. Seidenberg says the cautious G-men asked if he had any hypodermic needles in his pockets, and when he said he didn't, each agent put one hand in each of Mr. Seidenberg's pockets.

Mr. Seidenberg says the agents made further efforts to question him while he sat in their car. Finally, after one agent had returned from making a telephone call, Mr. Seidenberg was asked why someone from suburban Virginia had such interest in Alaska. "You can read it all in The Wall Street Journal," he says he replied. The agents asked for a copy of the story and, about 90 minutes after they had first arrived, the two accompanied Mr. Seidenberg back to his apartment, obtained a copy of the article and left. Mr. Seidenberg says he asked them if they would be returning with a search warrant and they said they would not.

Mr. Seidenberg believes he is being harassed by the State Department because of his persistent questions about the U.S.-Soviet border talks. However, a U.S. official who didn't want to be named asserts it was Mr. Seidenberg's letter, raising the possibility that the briefing session may have been illegally taped, that prompted the investigation.

Mr. Seidenberg says this isn't the first time the FBI has contacted him. About a year ago, he claims, the agency called and asked if he would cooperate with a surveillance operation of his neighbors, a Slavic couple the FBI suspected of being Soviet spies. Mr. Seidenberg, who considers himself a staunch anti-communist, agreed to help, but the couple soon moved. Mr. Seidenberg says the FBI official who contacted him at that time identified himself as special agent Tracy.

THE WALL STREET JOURNAL FRIDAY, DECEMBER 11, 1987

Exhibit 37

Alaska State Legislature

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MEMBER
HOUSE RESOURCES COMMITTEE
MEMBER
HOUSE STATE AFFAIRS COMMITTEE

Representative Roger Jenkins

DISTRICT 11

IN THE HOUSE BY JENKINS

HOUSE JOINT RESOLUTION NO. 53

IN THE LEGISLATURE OF THE STATE OF ALASKA

FOURTEENTH LEGISLATURE - FIRST SESSION

Relating to the United States and Soviet Union boundary dispute and the resources in the area under dispute.

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:

WHEREAS the Navarin Basin oil and gas lease sale in April 1984, resulted in total accepted bids of $631,200,000, of which $108,174,000 was for an area claimed by the Soviet Union; and

WHEREAS the winning bidders for the 17 tracts in the area claimed by the Soviet Union not only are precluded from exploring for oil and gas in these valuable seabed areas, but their bid deposit money is being held in a suspense account by the U.S. Department of the Interior and is yielding only the U.S. Treasury rate of return; and

WHEREAS there are hundreds of American jobs at stake at the drilling sites and at industry support sites; and

WHEREAS the question of territorial jurisdiction also has implications for bottom fishery operations for American fishermen; and

WHEREAS the normal depiction of lines on the globe are by the arc of a great circle, especially when they involve great distances in the open ocean, such as the 1867 Convention Line marking the boundary between the United States and Russia; and

WHEREAS the U.S. Department of State's International Boundary Study #14 ("U.S. - Russia Convention Line of 1867"), which was published in 1965, depicted the 1867 Convention Line by arcs of a great circle; and

WHEREAS discussions have been conducted between the U.S. Department of State and the Soviet Government over this issue since 1981, with the latest

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round being held in Moscow on July 23 and 24, 1984, with the American delegation led by Davis R. Robinson, the Legal Adviser of the U.S. Department of State; and

WHEREAS Article IV, Sec. 3 of the United States Constitution provides that "The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States"; and

WHEREAS the western-most limit to the oil and gas leasing program of the U.S. Department of the Interior for the Outer Continental Shelf in the Bering Sea has been set by the U.S. Department of State at the U.S. - Russia Convention Line of 1867; and

WHEREAS the leasing program involving the 1867 Convention Line in the Bering Sea includes the Navarin Basin and the Norton Basin; and

WHEREAS there are highly significant oil and gas deposits estimated by the U.S. Department of the Interior in these basins; and

WHEREAS these potential hydrocarbon energy deposits are a vital part of the future energy production for the United States and its goal of energy independence; and

WHEREAS the leasing schedule for sales of oil and gas includes the Navarin Basin in April 1984 and March 1986, the St. George Basin in May 1985 and April 1987, and the Norton Basin in December 1985; and

WHEREAS the area is estimated to contain approximately 100,000 tons of sustainable yield of pollock that is presently being fished exclusively by foreign fishing fleets; and

WHEREAS during the announcement of the Navarin Basin's April 1984 sale, the U.S. Department of the Interior revealed that the Soviet Union was claiming part of the Outer Continental Shelf in the Navarin Basin and that the U.S. Department of State was requiring that the proposed oil and gas lease sales in the area claimed by the Soviet Government be held in

abeyance, that is, the bids received and retained but the leases not awarded until the matter is resolved; and

WHEREAS the Federal Register announcement described the dispute as follows:

"The differing claims relate to differing depictions of the line established by the 1867 Convention Ceding Alaska between the United States and Russia. The United States depicts the 1867 Convention Line as the maritime boundary by arcs of a great circle while the Soviet Union depicts the 1867 Convention Line as rhumb lines."; and

WHEREAS the area of the Outer Continental Shelf demanded by the Soviet Union between the arc-of-a-great-circle and the rhumb-line depictions in the Bering Sea amounts to approximately 18,000 square miles; and

WHEREAS an agreement to concede this area to the Soviet Union would contribute to the petroleum production and bottom fishery potential of the Soviet Union;

BE IT RESOLVED that the Alaska State Legislature finds that it is in the best interests of the United States and of the State of Alaska that the U.S. Department of State not yield to the demands of the Soviet Union to set the western-most Outer Continental Shelf limit of the United States in the Bering Sea by a rhumb-line depiction rather than the arc-of-a-great-circle depiction of the U.S. - Russia Convention Line of 1867; and be it

FURTHER RESOLVED that this resolution not be construed as a commentary upon the merits of the use of the U.S. - Russia Convention Line of 1867 as the maritime boundary between the United States and the Soviet Union but be understood as the sentiments of the State of Alaska on the interests of the United States in adhering to the arc-of-a-great-circle depiction in the diplomatic discussions regarding the question; and be it

FURTHER RESOLVED the United States Department of State is urged to adopt a firm stance and aggressively pursue a resolution of the Bering Sea

Boundary dispute favorable to the interests of the government and the people of the United States.

COPIES of this resolution shall be sent to the Honorable Ronald Reagan, President of the United States, to the Honorable George Bush, Vice-President of the United States and President of the U.S. Senate; to the Honorable George Shultz, Secretary of State; to the Honorable Donald Hodel, Secretary of the Interior; and Mr. William Bettenberg, director, Minerals Management Service; to the Honorable John S. Herrington, Secretary of Energy; to the Honorable Malcom Baldrige, Secretary of Commerce; to the Honorable Walter B. Jones, Chairman, House Committee on Merchant Marine and Fisheries; to the Honorable John C. Danforth, Chairman, Senate Committee on Commerce, Science and Transportation; and to the Honorable Ted Stevens and the Honorable Frank Murkowski, U.S. Senators, and the Honorable Don Young, U.S. Representative, members of the Alaska delegation in Congress.

Co-sponsors of the resolution (HJR53) are:

Hon. Roger Jenkins (R-Anchorage)
Hon. Johne Binkley (R-Bethel)
Hon. Virginia M. Collins (R-Anchorage)
Hon. Mike Davis (D-Fairbanks)
Hon. Steve Frank (R-Fairbanks)
Hon. Walter R. Furnace (R-Anchorage)
Hon. Max F. Gruenberg Jr. (D-Anchorage)
Hon. Alyce Hanley (R-Anchorage)
Hon. Andre Marrou (L-Homer)
Hon. Mike W. Miller (R-North Pole)
Hon. Drue Pearce (R-Anchorage)
Hon. Marco A. Pignalberi (R-Anchorage)
Hon. John Ringstad (R-Fairbanks)
Hon. Richard Shultz (R-Tok)
Hon. Robin L. Taylor (R-Wrangell)
Hon. Dave Thompson (R-Kodiak)
Hon. Rick Uehling (R-Anchorage)

Introduced: 2/5/87
Referred: State Affairs, Judiciary and Finance

5-0542A

Passed unanimously by House and Senate; signed by Gov. Steve Cowper in May 1988

OTE: Companion House Joint Resolution 59 introduced y Representative [redacted] Furnace

IN THE SENATE BY UEHLING

SENATE JOINT RESOLUTION NO. 12

IN THE LEGISLATURE OF THE STATE OF ALASKA

FIFTEENTH LEGISLATURE - FIRST SESSION

Relating to the determination of the state's boundaries with the Soviet Union and Canada.

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:

WHEREAS the boundaries of the state are a vital concern of the government of the state; and

WHEREAS the sovereignty of a state within the federal system of the United States requires that a state government have complete and unambiguous jurisdiction over an area determined by well-defined geographical boundary lines; and

WHEREAS, whenever the boundaries of a state are to be altered, the state has an essential and overriding interest in the determination of the boundary; and

WHEREAS Alaska is unique among the 50 states because it is the only state with the potential for having boundaries with more than one foreign country; and

WHEREAS boundaries between a foreign country and a state are, and should be, coterminous with the national boundaries of the United States and the foreign country; and

WHEREAS negotiations are underway between the U.S. Department of State and the government of the Soviet Union over setting the boundaries between the United States and the Soviet Union; and

WHEREAS at least seven rounds of boundary negotiations between the United States and the Soviet Union have occurred since 1981; and

WHEREAS although the U.S. negotiation delegations have included

Exhibit 39

representatives of various federal agencies, the Department of State has never allowed or offered to invite a representative of the state to join the U.S. delegation to the boundary negotiations or formally solicited the input or advice of the state about the content or strategy of the negotiations; and

WHEREAS the negotiations involve important economic issues dealing with the petroleum, fishery, and other resources of the state and affecting the welfare and prosperity of the people of the state;

BE IT RESOLVED that the Alaska State Legislature petitions the U.S. Department of State to include a representative of the state, appointed by the governor with the consent of the legislature, on all delegations that negotiate the boundaries between the state and the Soviet Union or Canada, including delegations that conduct preparatory deliberations and studies; and be it

FURTHER RESOLVED that the Alaska State Legislature respectfully requests that the Alaska delegation in Congress intercede on behalf of the state to secure a representative of the state on all boundary delegations that negotiate the boundaries of the state.

COPIES of this resolution shall be sent to the Honorable Ronald Reagan, President of the United States; to the Honorable George Bush, Vice-President of the United States and President of the U.S. Senate; to the Honorable Jim Wright, Speaker of the U.S. House of Representatives; to the Honorable George Schultz, Secretary of the U.S. Department of State; an to the Honorable Ted Stevens and the Honorable Frank Murkowski, U.S. Senators, and the Honorable Don Young, U.S. Representative, members of the Alaska delegation in Congress.

Introduced: 2/4/88
Referred: State Affairs

5-1777A

Passed State Senate on vote of
18-0 (2 absent) on Feb. 24, 1988.

IN THE SENATE BY FISCHER

SENATE JOINT RESOLUTION NO. 61

IN THE LEGISLATURE OF THE STATE OF ALASKA

FIFTEENTH LEGISLATURE - SECOND SESSION

Requesting the Government of the United States to reassert jurisdiction over Wrangel Island, Herald Island, Henrietta Island, Jeannette Island, and Bennett Island together with the surrounding outer continental shelf within the American waters of the Chukchi Sea and the East Siberian Seas and to pay the State of Alaska compensation for damages from their loss.

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:

WHEREAS Alaskans and other Americans remain justifiably grateful for the fortitude shown by Captain Thomas Long and the crew of the whaling bark "NILE" from New London, Connecticut who, on August 14, 1867, were the first to confirm the existence of a 1,740 square mile island in the Chukchi Sea; and

WHEREAS Wrangel Island, named by Captain Long after the former governor of Russian Alaska Baron Ferdinand Petrovich von Wrangel, is located some 270 [redacted] northwest of Cape Lisburne, Alaska and is larger than the State of Rhode Island; and

WHEREAS Captain Long was the first to sight and to describe Wrangel Island, and the first recorded landing on the island occurred August 12, 1881, when Captain Calvin L. Hooper, commander of the Bering Sea Patrol, a division of the U.S. Treasury Department and as such, the de facto governor of Alaska, landed at Clark River on the eastern coast of Wrangel Island

Exhibit 40

and, with his fellow officers and John Muir (who later founded the Sierra Club) raised the American flag and took possession of the island in the name of the United States; and

WHEREAS Captain Hooper was engaged in a Congressionally sponsored effort to rescue the "JEANNETTE," a vessel engaged in Arctic research that was locked in ice floes and subsequently lost and therefore Captain Hooper had the authority to claim Wrangel Island for the United States; and

WHEREAS Wrangel Island became a part of the United States by right of confirmed discovery and first possession and, later, a permanent settlement; and

WHEREAS Wrangel Island and its nearby satellite island Herald Island were placed by the United States Coast and Geodetic Service within the District and later Territory and State of Alaska in publications from 1900 through 1977; and

WHEREAS the De Long Islands of Henrietta, Jeannette, and Bennett were first discovered in the East Siberian Sea and were claimed and named by U.S. Navy Commander George W. De Long during his 1879 - 1881 expedition into the Arctic where the commander and his crew died when their ship, the "JEANNETTE," was crushed and sunk by ice floes; and

WHEREAS the first permanent settlement on Wrangel Island occurred when the American ship "SILVER WAVE" landed a party on the island on September 15, [illegible] and raised the American flag over the island under the direction of Captain Jack Hammer; and

WHEREAS the party from the "SILVER WAVE" landed with provisions for only six months as they stated that they planned to sustain themselves by hunting; and

WHEREAS the relief vessel in 1922 was blocked by ice floes; and

WHEREAS when the relief vessel "DONALDSON" arrived on August 23, 1923, the only survivor of the 1921 expedition was an Eskimo seamstress named Ada

"Blackjack" Johnson, who died just a few years ago in Alaska; and

WHEREAS a new party led by Charles Wells of Uniontown, Pennsylvania continued settlement on Wrangel Island; and

WHEREAS on May 13, 1924, Secretary of State Charles Evans Hughes stated that the American Lomen Brothers were the proprietary owners of Wrangel Island; and

WHEREAS on August 20, 1924, an armed party from the Soviet gunboat "RED OCTOBER" landed on Wrangel Island, took Wells and the other Americans by force, and told them that they were being returned to Alaska; and

WHEREAS notwithstanding their promises, they took the Americans to Vladivostok and confiscated the pelts that the American trappers had accumulated during the 12 bitter months on the island; and

WHEREAS the Americans who survived their ordeal in Vladivostok were released following the intervention of the American consul at Harbin, Manchuria but Charles Wells and two residents of Alaska died while detained by the Soviet government; and

WHEREAS the residents of Alaska who survived their ordeal in Soviet Siberia were all from Golovin Bay, Alaska and they survived notwithstanding the severe physical and emotional trauma resulting from the assault, kidnapping, false imprisonment, theft of property together with other violations of American and Alaska law by the agents of the Soviet regime; and

WHEREAS after seizing Wrangel Island, the Soviet government proceeded to seize more American soil by occupying the nearby and defenseless Herald Island; and

WHEREAS the Soviet government subsequently asserted a spurious claim to the American De Long Islands of Henrietta, Jeannette, and Bennett; and

WHEREAS these illegal acts by the Soviet government interrupted 57 years of peaceful use of these islands by American seamen, herders, and hunters; and

WHEREAS the Soviet occupation of what they refer to as Ostrova De Long is an affront to all Americans, is an insult to the memory of their brave discoverer, and a source of embarrassment to the United States Navy, which memorializes his memory at the Naval Academy in Annapolis; and

WHEREAS the soil of all five of these American islands and their surrounding continental shelf has been held by military force in contravention of international law and by conduct that is contrary to what is recognized as proper by civilized nations; and

WHEREAS the Soviet government has typified its uncivilized conduct by establishing forced labor camps on Wrangel Island as reported in testimony before the U.S. Senate Judiciary Committee in January 1973; and

WHEREAS it has been reported that Wrangel Island was the last known place of imprisonment of Raoul Wallenberg, the Swedish Consul in Budapest, Hungary at the end of World War II who was arrested by Soviet forces and who was responsible for saving the lives of thousands of European Jews from the Nazi Holocaust; and

WHEREAS this conduct on American soil has continued in defiance of American law as well as in defiance of the international rules of conduct resulting from the Nuremberg war crime trials after World War II; and

WHEREAS the continuing trespass by the Soviet government deprives the State of Alaska and its people of their fundamental right to use the islands of Wrangel, Herald, Henrietta, Jeannette, and Bennett together with the surrounding continental shelf and its valuable resources; and

WHEREAS unlike the governments of Canada and Great Britain, the United States has never surrendered its claims of sovereignty over these islands; and

WHEREAS the State of Alaska does not believe that agreements between the United States and the Soviet Union, whether they be secret or otherwise, can affect American claims to these islands until they have been

ratified by the United States Senate;

BE IT RESOLVED by the Alaska State Legislature that the Government of the United States assert and reassert American sovereignty over Wrangel Island, Herald Island, and the De Long Islands of Henrietta, Jeannette, and Bennett, their resources, and their territorial shelf in behalf of the American people; and be it

FURTHER RESOLVED that the Government of the United States make satisfactory compensation and restitution to the State of Alaska and its people for the loss of this territory resulting from the neglect of the United States Government to protect American lives and property when the lands were seized in 1924; and be it

FURTHER RESOLVED that the State of Alaska asserts and reasserts its claim to Wrangel Island, Herald Island, and the De Long Islands of Henrietta, Jeannette, and Bennett and their surrounding continental shelf as an integral part of the State of Alaska; and be it

FURTHER RESOLVED the Governor of the State of Alaska is requested to initiate appropriate legal claims for relief before the U.S. Foreign Claims Settlement Commission, the U.S. Court of Claims or other legal forums of the United States as may be appropriate.

COPIES of this resolution shall be sent to the Honorable Ronald Reagan, President of the United States; to the Honorable George P. Shultz, Secretary of State; to the Honorable George Bush, Vice-President of the United States and President of the U.S. Senate; the Honorable Jim Wright, Speaker of the U.S. House of Representatives; and to the Honorable Ted Stevens and the Honorable Frank Murkowski, U.S. Senators, and the Honorable Don Young, U.S. Representative, members of the Alaska delegation in Congress.

STATE OF CALIFORNIA

Assembly Joint Resolution No. 37

RESOLUTION CHAPTER 122

Assembly Joint Resolution No. 37—Relative to the boundaries of Alaska.

Adopted September 10, 1987

[Filed with Secretary of State September 17, 1987.]

LEGISLATIVE COUNSEL'S DIGEST

AJR 37, La Follette. Alaska: boundary negotiations.

This measure would state the Legislature's support for the State of Alaska in its rightful position of participation in any boundary negotiations involving its boundaries with the Soviet Union or Canada. It would memorialize the President and Congress of the United States to ensure that any terms and conditions of any boundary agreement with respect to Alaska's boundaries is consented to by the State of Alaska and that the agreement is drafted in the form of a treaty for ratification by the United States Senate.

WHEREAS, The boundaries of the State of Alaska are of vital concern to the state government of Alaska; and

WHEREAS, The essence of sovereignty of a state within America's federal system requires that a state government have complete and unambiguous jurisdiction over well-defined geographical boundary lines; and

WHEREAS, Any time that boundaries of a state are to be altered in any way, that state has an essential and overriding interest in the determination of the boundary; and

WHEREAS, Alaska is unique among all American states in that it is the only state with the potential for having boundaries with more than one foreign country (i.e. Canada and the Soviet Union); and

WHEREAS, Boundaries with foreign countries and a state are, and ought to be, coterminous with America's national boundaries with those foreign countries; and

WHEREAS, Negotiations are underway between the United States Department of State and the government of the Soviet Union over setting boundaries between the United States and the Soviet Union, and there have been at least seven rounds of negotiations on this issue since 1981; and

WHEREAS, The economic issues of petroleum, fishery, and other valuable resources have great impact on Alaska's welfare and prosperity; and

WHEREAS, At no time has the United States Department of State allowed, or even offered to invite, a representative of the state government of Alaska to be on any negotiating delegation, nor has it formally solicited the input or advice of the state government of Alaska over the content or form of these negotiations; and

WHEREAS, These negotiating delegations, which the United States Department of State has assembled, have included representatives of various other agencies of the federal government; and

WHEREAS, It is settled procedure for negotiation of boundaries that representatives of any affected state not only must be included in the negotiations, but also must consent to the proposed terms of the boundary treaty (such as was the case when Secretary of State Daniel Webster negotiated with Great Britain in 1842 over the boundary between Canada and the State of Maine); and

WHEREAS, A usurpation of one state's rights and sovereignty is an attack on the entire federal system of the United States of America; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California supports the State of Alaska in its rightful position of participation in any boundary negotiations involving its boundaries with the Soviet Union or Canada; and be it further

Resolved, That the Legislature of the State of California respectfully memorializes the President and Congress of the United States to ensure that any terms and conditions of any boundary agreement with respect to Alaska's boundaries are consented to by the State of Alaska, and that any such boundary agreement is drafted in the form of a treaty for ratification by the United States Senate; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to each Senator and Representative from California in the Congress of the United States, and to the Governor of Alaska.

Exhibit 41

Senate Joint Resolution **No. 20**

Introduced by Senator Rogers

May 2, 1991

Senate Joint Resolution No. 20—Relative to the boundaries of Alaska.

LEGISLATIVE COUNSEL'S DIGEST

SJR 20, as introduced, Rogers. Alaska boundary negotiations.

This measure would state the Legislative support for the State of Alaska in its rightful position of participation in any boundary negotiations involving its boundaries with the Soviet Union. The measure would memorialize the President to withdraw from the United States Senate the proposed boundary treaty between the United States and the Soviet Union and request the California United States Senators to decline to consider the proposed treaty until the State of Alaska has been allowed to participate in the treaty negotiations and has been guaranteed that its consent will be required for the agreement

Fiscal committee no

WHEREAS, Every state has a compelling constitutional interest in determining its own boundaries with other states and foreign countries; and

WHEREAS, The State of Alaska's boundary with the Soviet Union has been the subject of negotiations between the United States government and the Soviet government since 1981; and

WHEREAS, The State of Alaska has never been permitted to participate in the negotiations carried on by the Department of State; and

WHEREAS, The Alaska Legislature has vigorously protested this exclusion in the form of Senate Joint Resolution 12, which was passed unanimously by both houses and signed by Governor Steve Cowper in May 1988; and

WHEREAS, The Department of State ignored these protests, and its negotiations have resulted in a proposed treaty titled "Agreement with the Union of Soviet Socialist Republics on the Maritime Boundary," which is now before the United States Senate for ratification; and

WHEREAS, The California Legislature previously expressed its support for the State of Alaska for its right to participate in any negotiations affecting its boundaries in the form of Resolution Chapter 122 of the Statutes of 1987; and

WHEREAS, It is settled procedure with respect to negotiations of state boundaries that representatives of any affected state not only must be included in the negotiations, but also must consent to the terms of the proposed boundary treaty (such as was the case when Secretary of State Daniel Webster negotiated with Great Britain over the boundary between Canada and the State of Maine in 1842); now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the California Legislature renews its support for the State of Alaska in its rightful position of participation in any boundary negotiations involving its boundaries with the Soviet Union; and be it further

Resolved, That the California Legislature (1) respectfully memorializes the President of the United States to withdraw the proposed treaty from consideration by the United States Senate and (2) requests the California United States Senators to decline to consider the proposed treaty, until such time as the State of Alaska has been able to participate fully in negotiations and has been guaranteed that its consent will be required for any agreement affecting its boundaries; and be it further

Resolved, That the Secretary of the Senate transmit copies of this resolution to the President and the Vice President of the United States, to the Speaker of the House of Representatives, to each Senator and Representative from California in the Congress of the United States, to the Governor of Alaska, to the President of the Alaska Senate, and to the Speaker of the Alaska House of Representatives.

the sponsor of this resolution:

Sen. Don Rogers
State Capitol
Sacramento, Calif.
95814
916-445-6637

Exhibit 42

PRINTER'S NO. 1318

GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE RESOLUTION

No. 88 Session of 1991

INTRODUCED BY HASAY, CAPPABIANCA AND SERAFINI, APRIL 16, 1991

REFERRED TO COMMITTEE ON RULES, APRIL 16, 1991

A RESOLUTION

Memorializing the President of the United States and the Department of State to recognize Alaska's interest in the boundary negotiations between the United States and the Soviet Union and to include Alaska in the negotiating process at the proper time, recognizing Alaska's inherent interest in these negotiations.

WHEREAS, Negotiations are underway and have continued since 1981 between the United States Department of State and the government of the Soviet Union in an effort to determine the status of five strategic Alaskan arctic islands and an immense outer continental shelf; and

WHEREAS, The economic issues of petroleum, fishery and other valuable resources will have great impact on Alaska's welfare and prosperity; and

WHEREAS, Among all American states, Alaska is unique in that it is the only state that shares its boundaries with more than one foreign country; and

WHEREAS, Its boundaries are of vital importance to Alaska's State Government and the sovereignty of the United States; and

WHEREAS, Alaska has, to date, not been included in any of the negotiations between the United States and the Soviet Union; and

WHEREAS, Article II, section 2(2) of the United States Constitution which states: "He (the President) shall have Power, by and with the Advice and Consent of the Senate to make Treaties, provided two-thirds of the Senators present concur..." makes the President the official responsible for international agreements and treaties with the Senate's consent with no implied or stated right of any state to be included in or consent to the terms of any boundary dispute; and

WHEREAS, During 1842, the United States Secretary of State Daniel Webster negotiated with Lord Ashburton, the British envoy, over a disputed boundary along the border between Canada and the states of Maine and Massachusetts; a dispute which began at the close of the American Revolution and continued for 60 years bringing the two countries to the brink of war; and

WHEREAS, Secretary of State Webster, knowing that treaties require approval by two-thirds of the Senators present and subsequent ratification by the President, did, in an attempt to gain support in the Senate for the treaty and with President Tyler's approval, propose to Lord Ashburton that commissioners from the two states be asked to participate in the negotiations. With Lord Ashburton's consent, four commissioners from Maine and three from Massachusetts were appointed to join the negotiations. Webster thereby established a precedent which would allow inclusion of states in future boundary negotiations when necessary; therefore be it

RESOLVED, That the President of the United States and the Department of State take the example set by Secretary of State Daniel Webster in negotiating the Webster-Ashburton Treaty of 1842 by including Alaska, at the earliest appropriate time in their ongoing boundary negotiation, thereby recognizing Alaska's inherent interests in the establishment of this boundary; and be it further

RESOLVED, That the House of Representatives of the Commonwealth of Pennsylvania memorialize the President of the United States and the Department of State to recognize Alaska's interest in the boundary negotiations between the United States and the Soviet Union and to include Alaska in the negotiating process at the proper time; and be it further

RESOLVED, That copies of this resolution be transmitted to the President of the United States, the Secretary of State, the Vice President of the United States as the presiding officer of the Senate, to each member of the Senate and to the Governor of Alaska.

the sponsor of this resolution:

Rep. George C. Hasay
State Capitol Building
Harrisburg, Penn. 17120
717-787-[illegible]7

Exhibit 43

Senator Gary Suhadolnik
State House
Columbus, Ohio 43266
614-466-8056

118TH GENERAL ASSEMBLY
Regular Session
1989 - 1990

S. J. R. No. 1

MR. SUHADOLNIK

RESOLUTION

Supporting the State of Alaska in its rightful position of participation in any negotiations involving its boundaries with the Soviet Union or Canada.

WHEREAS, The members of the 118th General Assembly of Ohio wish to proclaim our support of the State of Alaska in its rightful position of participation in any boundary negotiations involving its boundaries with the Soviet Union or Canada; and

WHEREAS, Negotiations are currently underway between the United States State Department and the Soviet Union to determine the status of e strategic Alaskan Arctic islands and an immense outercontinental shelf. Although the transfer of these lands and vast, oil-rich seabeds would have a direct impact on the economic issues of petroleum, fishery, and other valuable resources concerning Alaska's welfare and prosperity, Alaska has not been present or even invited to any of at least eight rounds of negotiations between the United States and the Soviet Union which have taken place since 1981. This systematic exclusion of Alaska from crucial boundary negotiations is a clear violation of America's policy of state sovereignty, in which state governments have complete and unambiguous jurisdiction over well-defined geographical boundary lines of that state; and

WHEREAS, Among all American states, Alaska is unique in that it is only state that shared boundaries with more than one foreign country. Its boundaries are of vital importance to Alaska's state

Exhibit 44

governments, and the current exclusion of Alaska from boundary negotiations with the Soviet Union is a deliberate infringement upon Alaska's sovereignty. It is settled procedure that a state government must only be involved in any negotiations that would affect its boundaries, but also give its express consent to the proposed terms of the boundary treaty, as was the case in 1842 when Secretary of State Daniel Webster negotiated with Great Britain over the boundary between Canada and the State of Maine; and

WHEREAS, The transfer of land between the United States and another country as well as the establishment of national boundaries must be provided for by a treaty signed by the President and ratified by Congress, in addition to being approved by the state or states which such negotiations would affect. Thus, the denial of Alaska's rights and sovereignty by the United States Department of State is not only an affront to the state government of Alaska, but is also an attack on the entire federal system of the United States of America; therefore be it

RESOLVED, That we, the members of the 118th General Assembly of Ohio, in adopting this Resolution, give our utmost support to the State of Alaska in its efforts to be rightfully represented at any boundary negotiations with the Soviet Union, and urge the President and Congress of the United States to ensure that the terms and conditions of any boundary agreement concerning Alaska are consented to by the State of Alaska and are drafted in the form of a treaty for ratification by the United States Senate; and be it further

RESOLVED, That the Clerk of the Senate transmit duly authenticated copies of this Resolution to the President and Vice President of the United States, to the Speaker of the House of Representative, to the Governor of Alaska, and to the news media of Ohio.

This International Boundary Study is one of a series of specific boundary papers prepared in the Office of the Geographer, Department of State, in accordance with provisions of Bureau of the Budget Circular No. A-16, Exhibit D.

Government agencies may obtain additional information and copies of the study by calling the Office of the Geographer, Room 8744, State Department Building, Department of State, Washington 25, D.C. (telephone: Code 182, Extension 4507).

INTERNATIONAL BOUNDARY STUDY

No. 14 (Revised)
Oct. 1, 1965
U.S. - RUSSIA CONVENTION LINE OF 1867

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The Geographer
Office of Research in Economics and Science
Bureau of Intelligence and Research

I. U.S. - RUSSIA CONVENTION LINE OF 1867

Rather than a boundary per se, this report concerns a convention line which ordinarily appears on official maps in the same manner as a boundary. According to Boggs[1] "Most lines in water areas which are defined in treaties are not boundaries between waters under the jurisdiction of the contracting parties, but a cartographic device to simplify description of the land areas involved ...". He further describes such a line being a "line of allocation" of land. For example, all land areas to the east of the Convention line in question belong to the United States; to the west to the U.S.S.R. without regard to the water areas involved.

Early in 1955, a group of U.S. cartographic experts in the ACC/MAP[2], after a rather long period of consultation and deliberation, issued the "Coordinate Positions for the Plot of U.S. - Russia Convention of 1867." This document, which is reproduced in part below, has been adopted as the standard description for the cartographic representation of the Convention line. Its re-issue in this series results from the large number of questions on the line which have been raised in recent months from offices unfamiliar with the original document.

II. TREATY

The only treaty establishing a so-called "boundary" between the United States and the modern Union of Soviet Socialist Republics is the Convention Ceding Alaska concluded March 30, 1867 with ratification advised by the Senate on April 9, 1867 and proclaimed by the President on June 30, 1867. The Convention line, as given below, marks the limit, to the east of which, the Emperor of Russia ceded all territory or claims to territory in North America. The 1867 Convention's territorial article on the western limits of the Alaskan cession reads as follows:

> The western limit within which the territories and dominion conveyed, are contained, passes through a point in Behring's straits on the parallel of sixty-five degrees thirty minutes north latitude, at its intersection by the meridian which passes midway between the islands of Krusenstern, or Ignalook, and the island of Ratmanoff, or Noonarbook, and proceeds due north, without limitation, into the same Frozen Ocean. The same western limit, beginning at the same initial point, proceeds thence in a course nearly southwest, through Behring's straits and Behring's sea, so as to pass midway between the northwest point of the island of St. Lawrence and the southeast point of Cape Choukotski, to the meridian of one hundred and seventy-two west longitude; thence, from the intersection of that meridian, in a southwesterly

1/ Boggs, S.W., "Delimitation of Seaward Areas under National Jurisdiction," American Journal of International Law, Vol. 45, No. 2 April 1951, footnote 2, page 240.

2/ The Map Sub-Committee of the Air Coordinating Committee.

direction, so as to pass midway between the island of Attou and the Copper Island of the Kormandorski couplet or group, in the North Pacific ocean, to the meridian of one hundred and ninety-three degrees west longitude, so as to include in the territory conveyed the whole of the Aleutian islands east of that meridian.

In the Convention, 193° West Longitude coincides, of course, with 167° East Longitude. The modern names for selected places mentioned in the Convention are as follows:

Convention Name	Modern Name
Krusenstern or Ignalook	Little Diomede Island
Ratmanoff or Noonarbook	Big Diomede Island or Ostrov Ratmanova
Frozen Ocean	Arctic Sea
Cape Choukotski	Mys Chukotskiy
Attou Island	Attu Island
Copper	Ostrov Mednyy
Kormandorski couplet	Komandorskiye Ostrova

III. SUMMARY

The wording of the Convention is rather precise. The principal question left unsolved is whether the lines between the fixed points should cartographically be expressed as "rhumb lines" or as "great circle lines". It was decided that great circle lines should be understood by the Convention wording of "straight lines" on the earth and the ACC/MAP group resolved:

> "The lines between points herein described are great circles except those lines which connect adjoining points on the same parallel shall follow the parallel."3/

The Coordinate Positions for the Plot were listed as follows:

Coordinate Positions for Plot of U.S.-Russia Convention Line of 1867

POINT	POSITION	
	Latitude	Longitude
Mys (Cape) Chukotski, southeast extremity	64° 14'.2 N	173° 05'.5 W
St. Lawrence Island, northwest extremity	63° 47'.3 N	171° 45'.8 W
Medny (Copper Island) eastern extremity	54° 32'.2 N	168° 00' E
Attu Island, western extremity	52° 55'.3 N	172° 26'.8 E

3/. The actual wording applied to ADIZ boundaries in the vicinity of the Convention line. The significant point is made first and applied to the Convention line.

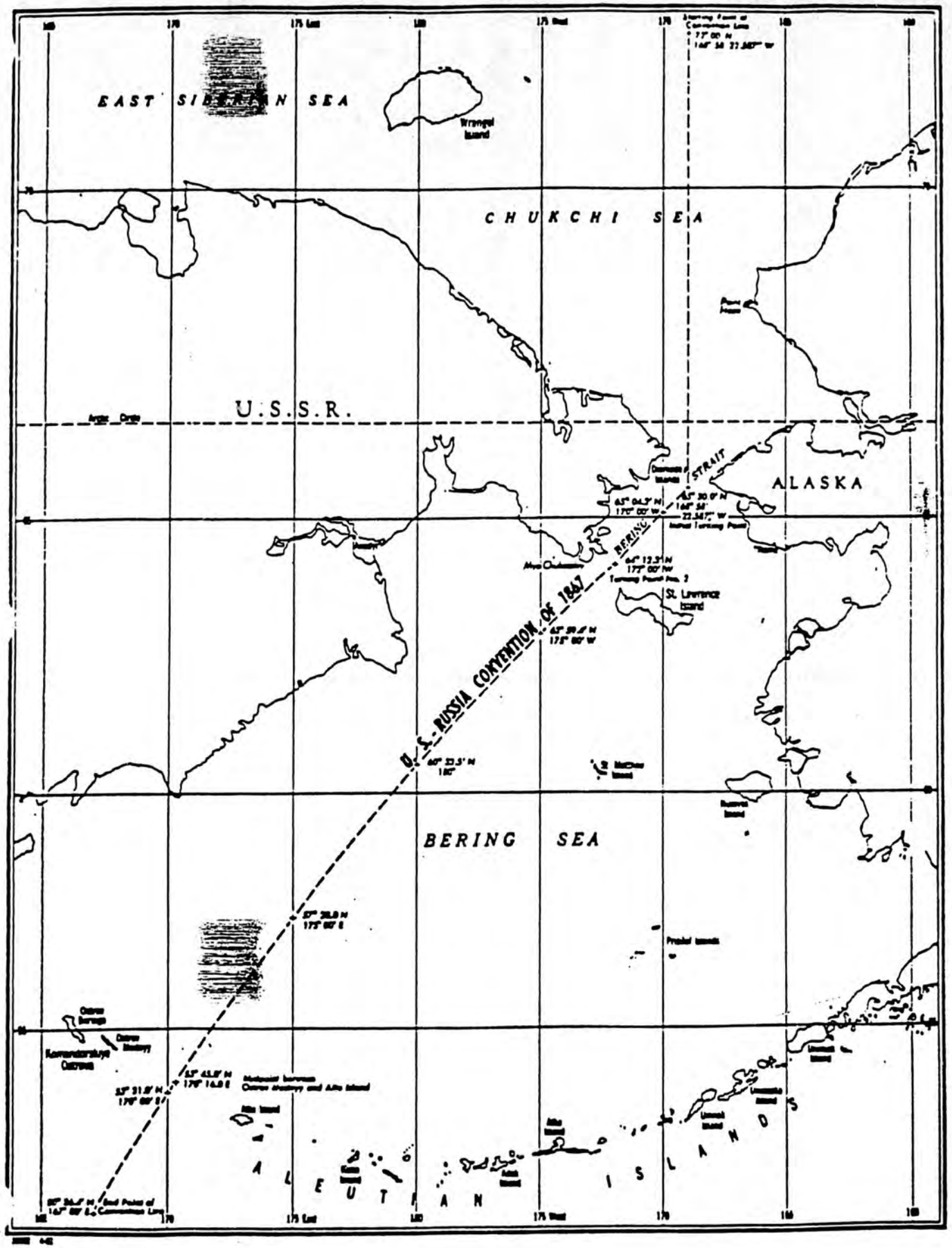
POINT	POSITION	
	Latitude	Longitude
Initial Turning Point	65° 30'.0 N	168° 58' 22".587 W 4/
Turning Point No. 2	64° 12'.3 N	172° 00' W
Mid Point between Medny and Attu Island	53° 45'.0 N	170° 16'.0 E
End Point, southwestern extremity of Convention line	50° 36'.4 N	167° 00' E
5° increments of longitude along great circle arcs	65° 04'.2 N	170° 00' W
	62° 59'.4 N	175° 00' W
	60° 33'.5 N	180°
	57° 28'.0 N	175° 00' E
	53° 31.0 N	170° 00' E
Starting point of Convention Line	72° 00' N	168° 58' 22".587 W

It should be noted that the original Convention language stated that the line "proceeds thence due north, without limitation, into the same Frozen Ocean". Since the United States does not support so-called "sector claims" in the polar regions, the northernmost point for the representation of the Convention line was agreed to be 72° 00' N. Furthermore, in keeping with the policy that the line does not constitute a boundary, the standard symbol for the representation of an international boundary should never be used. Furthermore, labeling of the line as "U.S. - Russia Convention of 1867" is recommended.

The plotted points, it should be remembered, are subject to minor modification resulting from improved surveys, changes in datum, alteration in the sheroid, etc.

4/ This value was given erroneously in the distributed ACC/MAP minutes as 168° 50' 22".587 W. and copied in the original edition of this study instead of the correct value, 168° 58' 22".587 W.

U.S. - RUSSIA CONVENTION OF 1867



48TH CONGRESS, 1st Session. } SENATE. { Ex. Doc. No. 204.

REPORT

OF THE

CRUISE OF THE U. S. REVENUE STEAMER

THOMAS CORWIN,

IN THE

ARCTIC OCEAN,

1881.

BY

CAPTAIN C. L. HOOPER, U. S. R. M.,
COMMANDING.

WASHINGTON:
GOVERNMENT PRINTING OFFICE.
1884.

Exhibit 46

of difficulty. Inside of the 10 fathom curve we found much of the ice aground, while the floating portion was drifting past and occasionally shooting up over the top of the grounded pieces. Navigation under such circumstances was anything but safe or agreeable. However, we felt that the land was certainly within reach, and thought of nothing but pushing ahead. At 7.30 we reached the open space and dropped anchor within a cable's length of the land in 5 fathoms of water. We immediately landed and, raising the American flag, took possession in the name of the United States of America. We landed at the mouth of a river, which at this time was about 75 yards in width, although the entire distance between its banks was about 200 yards. The cliffs in the vicinity of our landing place were of a dark slate formation, and from 100 to 300 feet high. On the beach small pieces of sandstone, quartz, and mica schist were found. The surface of the land where the slate has weathered away is composed of sticky clay, and is but sparsely covered with vegetation. As observed from the ship, while cruising in the vicinity and also from the shore, it presents the general appearance of smoothly-rounded hills, which, towards the interior and near the south side, are from 1,000 to 3,000 feet in height. The upper portion of the higher hills appeared more rugged in outline, as if composed of more enduring material, probably granite. These summits resemble those seen on the Siberian coast in the vicinity of Plover Bay, being entirely destitute of vegetation, with occasional red patches probably indicating the presence of iron. Those near the coast are remarkable for the smoothness and beauty of their outlines, and present here and there patches of green or gray, according to the nature of the vegetation. On the beach near the mouth of the river we found a kyack paddle, a cask-stave, a piece of small spar, probably part of a boat's mast, and a piece of board about a foot in length bearing ax-marks. All these things were below the marks of extreme high water, and were undoubtedly brought there by the current. Although the beach showed undoubtedly signs of a rise and fall of tide, no tidal change could be detected, probably owing to the fresh southerly wind which was blowing. The presence of this drift matter on the beach would seem to indicate that the east coast of Wrangel Island was at times entirely free from ice, though it does not necessarily follow, as it could easily have been carried through the pack to the shore by the constant twisting and turning to which it is at all times subject. I believe that it is a very unusual thing for the ice to leave any portion of Wrangel Island entirely. Our stay on shore was necessarily short on account of the strong northerly current, which was sweeping the ice-pack along with irresistible force. Much of the ice inside of 10 fathoms, as stated, was aground, but not sufficiently firm to form any protection from the drifting mass, the largest pieces of which were constantly being pushed and turned in every direction when struck by the drift, and the utmost vigilance was required to avoid getting caught between the drifting and grounded masses. At 9.30 a. m., being unable to maintain our position any longer, a gun was fired to recall the parties sent out to explore the cliffs in search of cairns or other signs of human life, and we began to work out towards the lead, which we reached at 11 a. m. We left the American flag flying and also a record of our visit. We had good observations during the day, and found our landing-place to be in latitude 71° 04′ north and longitude 177° 40′ west. This is undoubtedly the part of the land seen by Captain Kellett, R. N., in 1849, when he discovered and landed on Herald Island, and which since appeared on the British Admiralty charts as Plover Island, although erroneously laid down somewhat further to the eastward. We now know that Plover Island has no separate existence, and that what Kellett saw was the main island. As there is no record of any one else having seen the land previous to that date, or in fact until several years after, when, in 1876, it was seen by nearly the entire whaling fleet, all must accord to Captain Kellett the honor of its discovery.

While steaming through the ice, in our several attempts to reach the land, a number of species of sea-fowl were seen from time to time, and carefully noted by Mr. Nelson. Among these the most numerous were the murres and guillemots (*Uria-arra* and *Uria-grylle*), with numerous kittiwake gulls (*Larus tridactylus* Kotzebue) and the common ice gull (*Larus glaucus*). More rarely single individuals of the Sabine's gull (*Xema Sabinei*) came circling about the ship. Numerous small flocks of black-headed turnstones (*Strepsilas melanocephela*) were seen near shore, and two parties of common eider ducks (*Somateria nigra*). In both instances the latter were females with their young. The second brood of eiders was seen swimming close along the shore and away from the mouth of the river as we made our landing. On shore we found numerous snow-buntings (*Plectrophanes nivalis*) and a snowy owl (*Nyctea nivea*), which, with a shrike picked up dead on the

beach and a solitary golden plover (*Charadrius fulvus*), complete the short list of land birds seen. At a number of places on the hillsides we found the droppings of wild geese so numerous that it is evident this place must have been a common resort for flocks of these birds earlier in the season. Their absence at the time of our landing is easily accounted for by the fact this was the time when the geese shed their large wing feathers and lose the power of flight. As this season comes on they congregate in large flocks in low marshy land and remain until their new growth of feathers enables them to spread over the country again a month or six weeks later.

Saddle-backs and hair-seals were rather common among the ice, and in addition there was a small species of hair seal unknown upon the American coast and perhaps new to science. Walrus were not rare on the outer edge of the pack, and their foe, the polar bear, was seen almost every time we entered the ice; on several occasions it was seen swimming in the water several miles from the pack. Upon the hilltops on shore were found numerous burrows of some animal, probably white fox (*Canis lagopus*), as some tracks of that animal were found mingled with those of the polar bear in the mud along the banks of the river. Stranded on the sand-bar at the mouth of the river lay the skeleton of a whale (*Balæna mysticetus*), which closes the list of mammals observed.

Numerous small fish, from two to four inches long, and having large heads, were brought to the surface by rolling masses of ice as it was turned over by contact with the vessel in her passage through it. These are called by the whalers ice-fish. No specimens were obtained, unfortunately.

The following plants we collected: Grasses, three varieties; dwarf willow, phlox, saxifrage, sibbaldea, draba, potentilla, anemone, papaver, veronica, artemisia, carex, stellaria, three; mosses, three; lichens, five; and four compositæ. In many places where the snow remained in the ravines and in banks against the steep cliffs, it presents the peculiar reddish color caused by the presence of *Protococcus nivalis*, commonly called red snow. This is a minute plant with which the surface of the snow is often covered in high latitudes. It was seen and its appearance described by Sir John Ross in 1818, and by Sir Edward Parry in 1827, but its true character was not understood until many years later, when it became known as a vegetable growth.

Upon taking possession of this land in the name of the United States, the name New Columbia was provisionally given to it. The provision being the approval and concurrence of that portion of the Government having the authority to issue charts, &c., the decision of that body was adverse to my suggestion, and by its action I cheerfully abide not only on account of its undoubted right to decide according to its own judgment in this and all other matters over which it has jurisdiction, but because the size of the island, as now known, does not justify the bestowal of a name of this character, the name of one of the early Arctic navigators being much more appropriate. At the time I suggested the change of name I believed the land to be an island and had so reported it to the Department, but I supposed it to be considerably larger than it has proved. In the report of my first cruise in the Corwin, submitted November 1, 1881, page 50, I say, in reference to this land:

> The part of Wrangel Land which we saw covered an arc of the horizon of about fifty degrees from northwest quarter north to west quarter south (true), and was distant from 25 miles on the former bearing to 35 or 40 on the latter. On the south were three mountains, probably 3,000 feet high, entirely covered with snow, the central one presenting a conical appearance and the others showing slightly rounded tops. Northward of these mountains was a chain of rounded hills, those near the shore being lower and nearly free from snow, while the back hills, which probably reach an elevation of 2,000 feet, were quite white; to the north of the northern bearing given the land ends entirely or becomes very low. The atmosphere was very clear, and we could easily have seen any land above the horizon within a distance of 60 or 70 miles, but none except that described could be seen from the mast-head.

Again, on page 52, I say:

> I am of the opinion that Wrangel Land is a large island, probably one of a chain that passes entirely through the polar regions to Greenland; that there is other land to the north there can be no doubt * * * large numbers of geese and other aquatic birds pass Point Barrow going north in the spring, and returning in August and September with their young. As it is well known that these birds breed only on land, this fact must be regarded as proof of the existence of land in the north. Another reason for supposing that there is either a continent or a chain of islands passing through the polar regions is the fact that, notwithstanding the vast amount of heat diffused by the warm current passing through Bering Straits, the icy barrier is from six to eight degrees farther south on this side than on the Greenland side of the Arctic Ocean, where the temperature is much lower.

OCCASIONAL PAPERS

OF THE

CALIFORNIA ACADEMY OF SCIENCES

No. XXIV

The Discovery of Wrangel Island

By SAMUEL L. HOOPER

COMMITTEE ON PUBLICATION

Dr. Robert C. Miller, *Chairman*

Dr. George P. Papenfuss Dr. Edward L. Keigel, *Editor*

SAN FRANCISCO

PUBLISHED BY THE ACADEMY · 1956

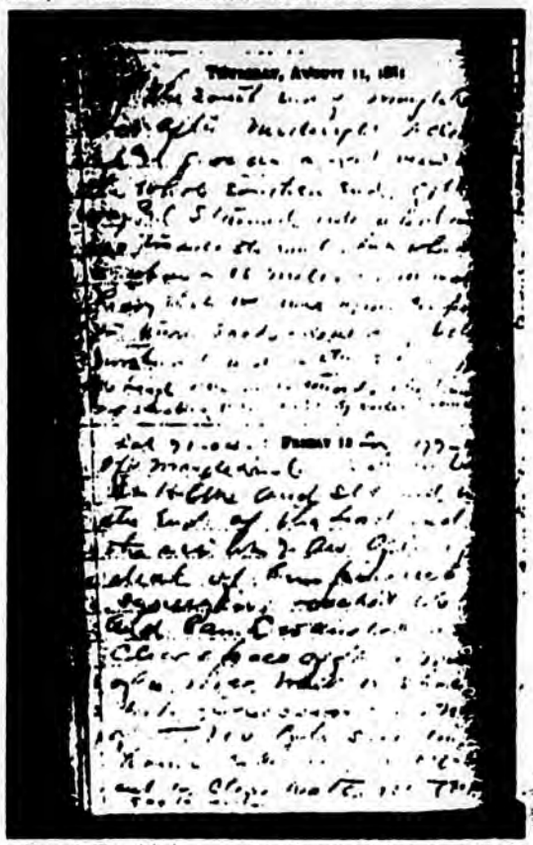


Figure 3. The original account of the discovery of Wrangel Island in the captain's own handwriting. This entry in his diary was written at the scene on the very day of the landing.

the land, I felt relieved to be in clear water, and did not despair of ultimate success."

The movement of the ice due to the set of the currents made it necessary to change positions several times during the night. At 4:30 a.m. the *Corwin* again entered the ice and this time with all preparations made to reach the land by crossing the ice if necessary, using the sledges and taking along the skin boat for crossing any open leads that might be encountered. However, as they fought their way closer to the land ice conditions improved. Inside the ten-fathom curve they found much of the ice aground while the floating portion was drifting past and occasionally shooting up over the top of the grounded pieces. Navigation under these conditions was neither comfortable nor safe, but they all felt that the land was now actually within reach and they pushed on. The captain's notes for that important day (see figure 3) read:

Friday, August 12, 1881. Lat. 71-04 Long. 177-40 off Wrangle [sic.] Land. Got under way at 4:00 a.m. and steamed in toward the end of the lead and into the ice at 7:00 a.m. After a [illegible] bumping and squeezing we reached the land and anchored in a small clear space off the mouth of a small river. Went on shore and [illegible] possession in the name of the U.S.

This landing unquestionably established a valid claim to the area on the part of the United States. Muir in his text says, "A notable addition was made to the national domain when Captain Calvin L. Hooper landed on Wrangell Land and took formal possession in the name of the United States." Later the great Arctic explorer Vilhjalmur Stefansson in his book, *The Adventure of Wrangel Island*, describing an expedition undertaken in 1921 wrote, ". . . following 1881 . . . the island was United States territory."

Many years later the Soviet claimed that Lieutenant Wrangel had actually discovered the island but unfortunately for their claim, Wrangel himself in his book, *The Narrative of a Voyage to the Polar Seas in the Years 1821, 1822, and 1823*, which was written long enough after his experiences so that he had plenty of time to make any changes or corrections, wrote "with a painful feeling of the impossibility of overcoming the obstacles with which nature had opposed us, our last hope vanished of discovering the land which we yet believe to exist . . . we had done what duty and honor demanded, further attempts would have been absolutely hopeless and I decided to return." Wrangel located on his chart "from native report" the land which "we believe to exist" but he placed it some distance west of where it actually turned out to be located.

As soon as the official shore party had completed the formalities of discovery, a careful search was made along the shore in each direction for evidences of a landing of any kind. After several hours of searching it became impossible to remain at anchor any longer and a gun was fired to recall all shore parties. Leaving an American flag flying and a complete record of their visit the *Corwin* now worked her way out to the lead.

She was soon in open water and making all speed with steam and sail across the Arctic Ocean but this time with the Polar ice on her port beam. Having found no records of the *Jeannette* on either Herald Island or Wrangel Island, for the very good reasons as we now know that the De Long party had never touched on either of them, the *Corwin* was hastening to Point Barrow in hopes of rendering assistance to the *Daniel Webster* in case she was still in the ice. On the way, however, they spoke the whalers *Howland* and *Rainbow* and learned from them that the *Daniel Webster* had been crushed in the ice and that part of her crew had reached Point Barrow. The remainder were supposed to still be on the pack. Upon learning this the *Corwin* skirted the Alaskan coast line closely and kept a careful watch for signs of any who might have reached the land before the ice went offshore. Constant contact was also made with the native villages along the way and many reports of the wreck were received, all of which were in some agreement.

Point Barrow was reached on August 16 and several whalers, which had arrived only a few hours earlier, were found at anchor there, the ice having gone offshore the previous evening. The crew of the *Daniel Webster* were all at Point Barrow and every man accounted for. They were divided up among the whalers except for nine men who had their fill of whaling and "wanted out." These were taken on board the *Corwin* to be returned to civilization and extra supplies were distributed to the other ships to allow for the extra hands taken aboard.

While the *Corwin* was at Barrow the bark *Legal Tender* arrived, bringing the first mail they had received since leaving San Francisco; the *Legal Tender* had sailed from there on June 11. Since she was leaving at once, loaded with surplus bone and oil from the whaling fleet, the crew of the *Corwin* sent mail sacks aboard for their dear ones at home.

On August 19 the *Corwin* sailed for Cape Lisburne hoping to again take coal from the mine, but a strong northeast wind had kicked up such a sea that boating coal was out of the question. The night of the nineteenth was the first night that could be called dark; until then the nights had merely been long twilights. On August 22 they passed close to the Diomedes but never saw any part of them on account of

Exhibit 47

THE CRUISE OF THE CORWIN

Journal of the Arctic Expedition of 1881 in search of De Long and the Jeannette

BY

John Muir

EDITED BY
WILLIAM FREDERIC BADÉ

BOSTON AND NEW YORK
HOUGHTON MIFFLIN COMPANY
The Riverside Press Cambridge
1917

CHAPTER XV

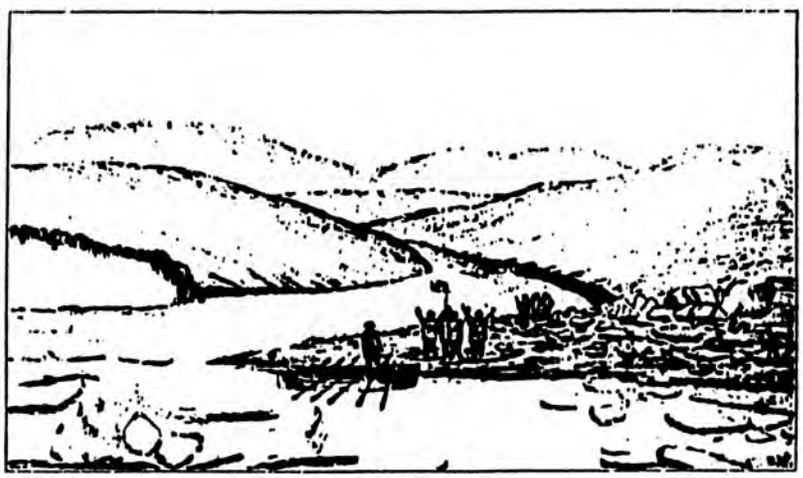
THE LAND OF THE WHITE BEAR

[Steamer Corwin, Wrangell Land, August 12, 1881.]

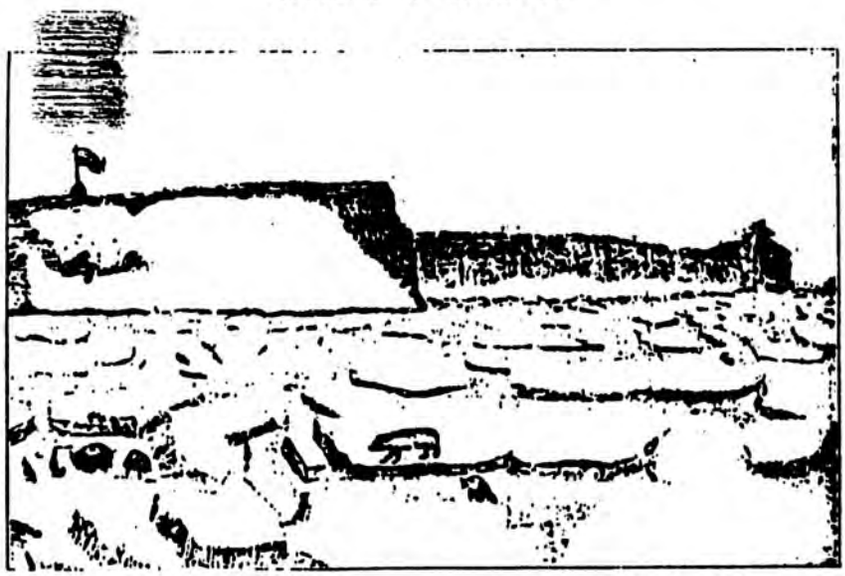
A NOTABLE addition was made to the national domain when Captain Calvin L. Hooper landed on Wrangell Land,[1] and took formal possession of it in the name of the United States. We landed near the southeast cape, at the mouth of a river, in latitude 71° 4′, longitude 177° 40′ 30″ W. The extent of the new territory thus acquired is not definitely known, nor is likely to be for many a century, or until some considerable change has taken place in the polar climate, rendering the new land more attractive and more accessible. For at present even its southmost portion is almost constantly beset with ice of a kind that renders it all but inaccessible during both the winter and summer, while to the northward it extends far into the frozen ocean.

Going inland, along the left bank of the river, we found it much larger than it at first appeared to be. There was no snow left on the lowlands or any of the hills or mountains in sight, excepting the remnants of heavy drifts; nevertheless, it was still

[1] The landing was made August 12, 1881.



FIRST LANDING ON WRANGELL LAND



THE AMERICAN FLAG ON WRANGELL LAND, NEAR EAST CAPE

Exhibit 48

AFFIDAVIT OF HILDA KOONUKNOWRUK WEBER ON WRANGELL ISLAND

UNITED STATES OF AMERICA)
) ss.
STATE OF ALASKA)

HILDA [redacted]KNOWRUK WEBER, being first duly sworn, deposes and says:

1. I was born at Cape Lisburne, Alaska on August 21, 1912. Peter & Kippooanne Koonuknowruk were the names of my parents. My present domicile is Barrow, Alaska. I am presently sojourning at Kotzebue, Alaska.

2. In August of 1923 I left Point Hope for Wrangell Island, aboard the Ship "Donaldson" (owned by the Lomen Bros. Company of Nome, Alaska), with my parents, two brothers, and sister. On arrival at Wrangell Island we built a fine sod igloo with driftwood frame. This igloo became our domicile. Our community consisted at that time of Koonuknowruk family (Peter, Kippooanne, Billy, Hope, Ester, and Hilda), Adams family (Mr. & Mrs. John Adams & there two sons, i.e., Mark & Curtis), two bachelors (Abraham Howarth & Roy), and the white man Charles Wells. About April, 1924 Mrs. Adams gave birth to a daughter named Tulla.

3. Mrs. Ada Blackjack, sole survivor of the Stefansson Arctic and Exp[illegible]oration Company's party of 1921, returned to her home at Nome aboard the Ship "Donaldson" on its return voyage.

4. [redacted]ugust of 1924 the Soviet Ice Ship "Red October" armed with six pound cannon and a company of infantry landed at Wrangell Island, Alaska and took all 14 inhabitants prisoner. The Soviets captured our furs, ivory, stores, and personal property including a U.S. Flag from Charles Wells (manager for the Lomen Bros. Company at Wrangell Island). We were all shanghaied aboard

Exhibit 49

the Ship "Red October" as prisoners. We were taken to Vladivostok, via Uelen & Petropavlovsk, by the "Red October". By the time the U.S. Consul [redacted]arbin, Manchuria could have us freed from the authorities at Vladivostok and brought to him at Harbin, my two brothers (Hope & Billy) and Charles Wells (formerly of Uniontown, Pennsylvania) were deceased.

WITNESS her hand this 22nd day of March, 1977.

Hilda K. Weber
HILDA KOONUKNOWRUK WEBER

United States of America }
State of Alaska } ss.

On March 22, 1977, before me, the undersigned, a Notary Public in and for said State, personally appeared Hilda Koonuknowruk Weber known to me to be the person whose name subscribed to the within instrument and acknowledged that She executed the same.'

WITNESS my hand and official seal. (Seal) My Commission expires March 22, 1980

[illegible]
NAME (TYPED OR PRINTED
Notary Public in and for said State.

JURAT

[redacted]

TELEGRAM RECEIVED

FROM

Nome, Alaska

October 16, 1924.

Index Bureau
RECEIVED
OCT 17 1924
Dep't. of State

Department of State

DEPARTMENT OF STATE
OCT 17 1924

EASTERN EUROPEAN AFFAIRS
DIVISION OF

OCT 17 1924

State Department,

Washington.

We protest removal by Soviet Government vessel from Wrangell Island thirteen American colonists in employ Lomen Brothers Nome. Schooner CUBA Arnout Castel master returning today from East Cape Siberia reports local governor there advised him colonists removed together with furs and other property and taken to Indian Point or Nuna Harbor, Siberia. Cannot ascertain whether removal forcible or not but we request protection American interests.

Northwestern Alaska Chamber of Commerce.

OCT 23 1924

861.0144/69

Exhibit 50

[redacted]

DEPARTMENT OF STATE

THE SOLICITOR

INDEX BUREAU
Rec'd
DEC 3 1924
Dept. of State

File 91
Jurisdiction
Ex
Eng
Geo
S.W.

November 25, 1924.

MEMORANDUM

With reference to the attached telegram, and particularly to the statement by Tchitcherine that the islands and lands which the Soviet Government claim as a part of Russia "are west of the line which under Article I of the Washington Convention between Russia and the United States, dated March 18/30, 1867, defines the boundary west of which the United States of America undertook not to prefer any claim", it may be of interest to note that the Treaty of 1867 referred to was negotiated largely orally and that only two notes (?) were passed between the two Governments prior to the signing of the treaty providing for the cession of Alaska to the United States.

861.014 4/5

In answer to a resolution of the House of Representatives on the 19th of December 1867 the Secretary of State laid before the President all the correspondence with the Russian Minister at Washington concerning the late treaty with Russia. In the note informally submitted to the Chairman of the Committee in the Senate with

FILED
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with the Alaska Treaty by the Secretary of State it is stated:

> "The treaty for the cession of Russian America to the United States was concluded and signed on the 30th day of March last. A copy is annexed of the only two notes which passed between the negotiators before the final execution of the Treaty."

The first note is dated March 17/29, 1867, and addressed to Mr. William H. Seward, Secretary of State, by Mr. de Stoeckl, stating as follows:

> "Mr. Secretary of State:
>
> "I have the honor to inform you that by a telegram dated 16/28 of this month from St. Petersburg, Prince Gortchakoff informs me that His Majesty, the Emperor of all Russias, gives his consent to the cession of the Russian possessions on the American continent to the United States for the stipulated sum of $7,200,000 in gold, and that His Majesty, the Emperor, invests me with full powers to negotiate and sign the treaty.
>
> [redacted]lease accept Mr. Secretary of State the [redacted]urance of my very high consideration.
>
> STOECKL."

The next note dated March 23, 1867, was addressed to Mr. Edward de Stoeckl by the Secretary of State

insisting

DEPARTMENT OF STATE

THE SOLICITOR

to the United States immediately after the exchange of ratifications all the territory, with the right of sovereignty, actually possessed by His Majesty upon the continent of America, as well as the contiguous islands, the said territory being comprised within the geographical limits hereafter indicated to wit: *

"The western limit of the ceded territories passes by a point in the Bering Strait on the parallel of the 65th degree 30' north latitude at its intersection by the meridian which separates in equal distance the islands Krusenstern or Ignalook, and the island Ratmanoff or Noonarbook, and proceeds in a direct line without limitation towards the north until it loses itself in the frozen ocean."

It may be seen from the above quotation and the rest of the treaty that the Emperor of all the Russias ceded to the United States certain territories, and that the United States on its part entered into no commitment which could be interpreted as an undertaking not to press claims to any land west of the particular line above described.

[redacted]fore, so far as the treaty is concerned, it would appear that the United States would not be prevented from preferring a claim to Wrangel Island if it so desired.

Note: The documents above referred to may be found in a volume entitled "Executive Documents, No. 157 to No. 180, Second Session, 40th Congress," under the heading of Executive Document No. 177.

861.0144/75
SO:FMA:HDM:SS

PI

Now from the Naval Institute Press

Annapolis, Maryland

ICEBOUND

The Jeannette Expedition's Quest for the North Pole

By Leonard F. Guttridge

Often reading like a Gothic mystery but fully supported by documentary evidence, *Icebound* provides a stunning narrative of an ordeal unmatched in the annals of polar exploration. The *Jeannette* spent two winters trapped in the Arctic ice. Finally she buckled under the crushing power of the pack, forcing her crew to haul eight tons of supplies and three boats hundreds of miles to reach open water. The men from only one of these boats eventually reached safety; the others suffered horrible deaths.

Now, more than a century later, despite attempts by those involved to cover up the details, the author reveals their tragic story. The bizarre tale includes true-life characters made-to-order for good fiction: the confident commanding officer of the *Jeannette*, George Washington De Long, bent on living up to the name he had given himself; his ambitious wife; a dashing young lieutenant suffering from an unmentionable disease; an inventive but jealous engineer; his talkative wife, confined to an insane asylum during the investigations that followed the expedition's failure; a stoical and able surgeon; a flamboyant press baron who financed the venture; and a famous criminal lawyer.

In this detailed disclosure of the *Jeannette's* travails, Guttridge takes no liberties with the facts he has so carefully uncovered in revealing letters, diaries, and unedited reports. But he does use them to full advantage to present an intriguing and unforgettable story. He is especially skillful at creating dramatic scenes that bring his characters to life, and his vivid descriptions of the polar world make us appreciate both its grandeur and frightening inaccessibility.

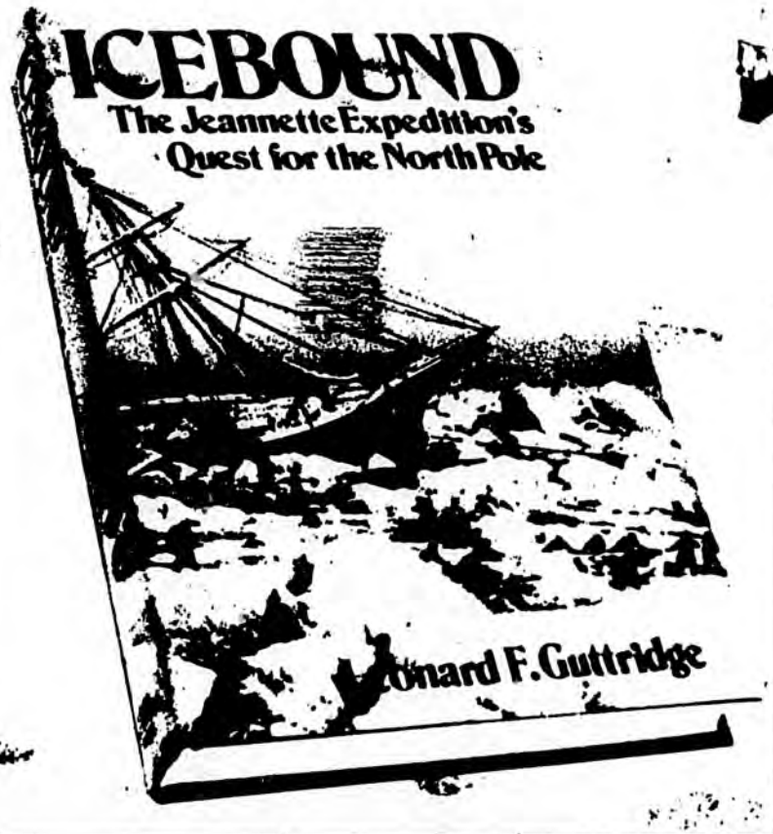

Exhibit 52

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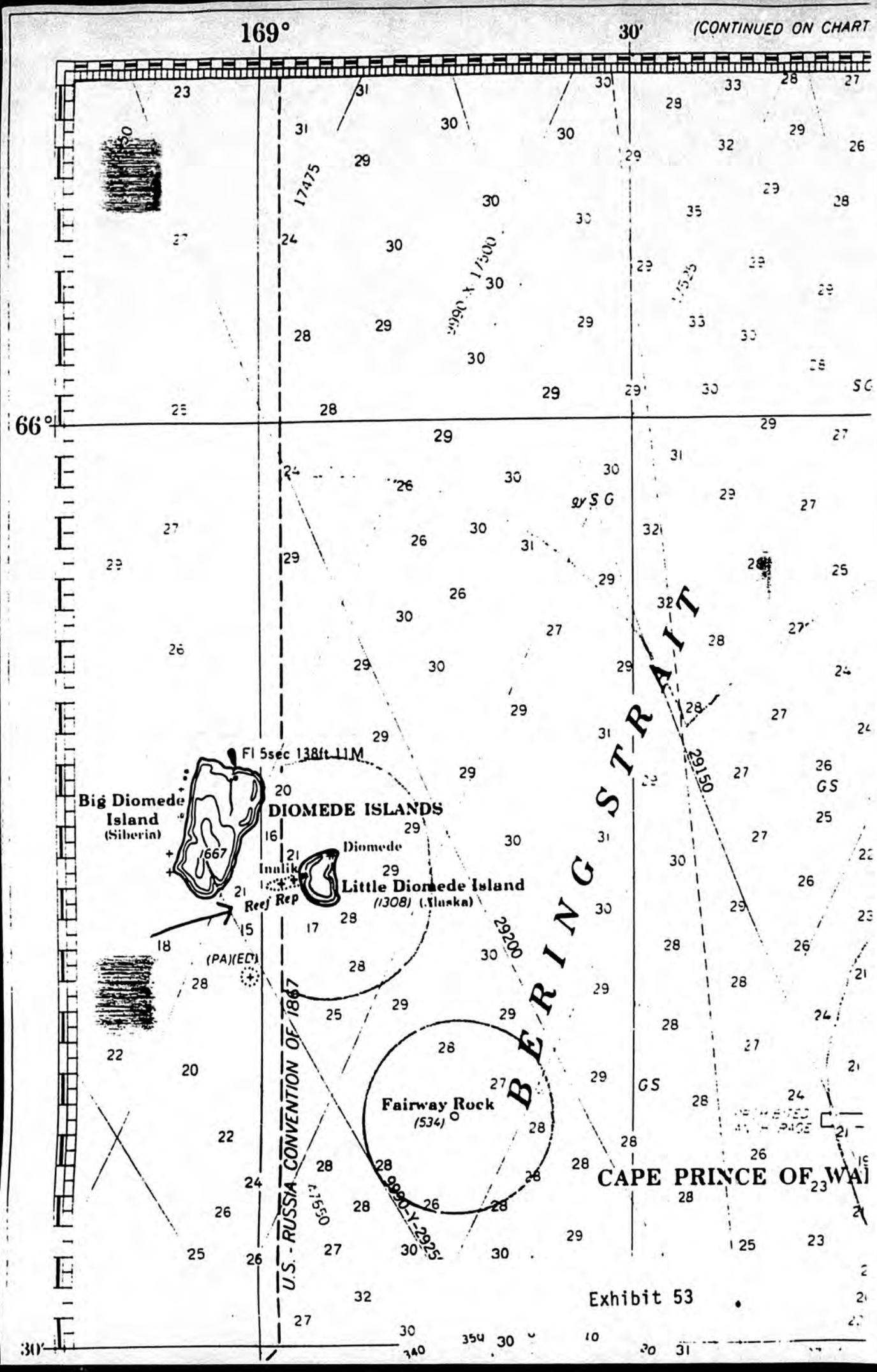


CESSION OF ALASKA

Convention signed at Washington March 30, 1867
Senate advice and consent to ratification April 9, 1867
Ratified by Russia May 3, 1867
Ratified by the President of the United States May 28, 1867
Ratifications exchanged at Washington June 20, 1867
Entered into force June 20, 1867
Proclaimed by the President of the United States June 20, 1867
15 Stat. 539; Treaty Series 301

The United States of America and His Majesty the Emperor of all the Russias, being desirous of strengthening, if possible, the good understanding which exists between them, have, for that purpose, appointed as their Plenipotentiaries: the President of the United States, William H. Seward, Secretary of State; and His Majesty the Emperor of all the Russias, the Privy Counsellor Edward de Stoeckl, his Envoy Extraordinary and Minister Plenipotentiary to the United States.

And the said Plenipotentiaries, having exchanged their full powers, which were found to be in due form, have agreed upon and signed the following articles:

ARTICLE I

His Majesty the Emperor of all the Russias agrees to cede to the United States, by this convention, immediately upon the exchange of the ratifications thereof, all the territory and dominion now possessed by his said Majesty on the continent of America and in the adjacent islands, the same being contained within the geographical limits herein set forth, to wit: The eastern limit is the line of demarcation between the Russian and the British possessions in North America, as established by the convention between Russia and Great Britain, of February 28–16, 1825,[1] and described in Articles III and IV of said convention, in the following terms:

"Commencing from the southernmost point of the island called Prince of Wales Island, which point lies in the parallel of 54 degrees 40 minutes north latitude, and between the 131st and the 133d degree of west longitude,

[1] For text, see *British and Foreign State Papers*, vol. 12, p. 58.

...ridian of Greenwich,) the said line shall ascend to the north along the channel called Portland channel, as far as the point of the continent where it strikes the 56th degree of north latitude; from this last mentioned point, the line of demarcation shall follow the summit of the mountains situated parallel to the coast as far as the point of intersection of the 141st degree of west longitude, (of the same meridian;) and finally, from the said point of intersection, the said meridian line of the 141st degree, in its prolongation as far as the Frozen ocean.

"IV. With reference to the line of demarcation laid down in the preceding article, it is understood—

"1st. That the island called Prince of Wales Island shall belong wholly to Russia," (now, by this cession, to the United States.)

"2d. That whenever the summit of the mountains which extend in a direction parallel to the coast from the 56th degree of north latitude to the point of intersection of the 141st degree of west longitude shall prove to be at the distance of more than ten marine leagues from the ocean, the limit between the British possessions and the line of coast which is to belong to Russia as above mentioned (that is to say, the limit to the possessions ceded by this convention) shall be formed by a line parallel to the winding of the coast, and which shall never exceed the distance of ten marine leagues therefrom."

The western limit within which the territories and dominion conveyed, are contained, passes through a point in Behring's straits on the parallel of sixty-five degrees thirty minutes north latitude, at its intersection by the meridian which passes midway between the islands of Krusenstern, or Ignalook, and the island of Ratmanoff, or Noonarbook, and proceeds due north, without limitation, into the same Frozen ocean. The same western limit, beginning at the same initial point, proceeds thence in a course nearly southwest, through Behring's straits and Behring's sea, so as to pass midway between the northwest point of the island of St. Lawrence and the southeast point of Cape Choukotski, to the meridian of one hundred and seventy-two west longitude; thence, from the intersection of that meridian, in a southerly direction, so as to pass midway between the island of Attou and the ...r island of the Kormandorski couplet or group in the North Pacific ..., to the meridian of one hundred and ninety-three degrees west longitude, so as to include in the territory conveyed the whole of the Aleutian islands east of that meridian.

ARTICLE II

In the cession of territory and dominion made by the preceding article, are included the right of property in all public lots and squares, vacant lands, and all public buildings, fortifications, barracks, and other edifices which are not private individual property. It is, however, understood and agreed, that the churches which have been built in the ceded territory by the Russian government, shall remain the property of such members of the Greek Oriental Church resident in the territory, as may choose to worship therein. Any government archives, papers, and documents relative to the territory and dominion aforesaid, which may be now existing there, will be left in the possession of the agent of the United States; but an authenticated copy of such of them as may be required, will be, at all times, given by the United States to the Russian government, or to such Russian officers or subjects, as they may apply for.

ARTICLE III

The inhabitants of the ceded territory, according to their choice, reserving their natural allegiance, may return to Russia within three years; but if they should prefer to remain in the ceded territory, they, with the exception of uncivilized native tribes, shall be admitted to the enjoyment of all the rights, advantages and immunities of citizens of the United States, and shall be maintained and protected in the free enjoyment of their liberty, property and religion. The uncivilized tribes will be subject to such laws and regulations as the United States may, from time to time, adopt in regard to aboriginal tribes of that country.

ARTICLE IV

His Majesty the Emperor of all the Russias shall appoint, with convenient despatch, an agent or agents for the purpose of formally delivering to a similar agent or agents appointed on behalf of the United States, the territory, dominion, property, dependencies and appurtenances which are ceded as above, and for doing any other act which may be necessary in regard thereto. But the cession, with the right of immediate possession, is nevertheless to be deemed complete and absolute on the exchange of ratifications, without waiting for such formal delivery.

ARTICLE V

Immediately after the exchange of the ratifications of this convention, any fortifications or military posts which may be in the ceded territory, shall be delivered to the agent of the United States, and any Russian troops which may be in the territory shall be withdrawn as soon as may be reasonably and conveniently practicable.

ARTICLE VI

In consideration of the cession aforesaid, the United States agree to pay at the treasury in Washington, within ten months after the exchange of the ratifications of this convention, to the diplomatic representative or other agent of his Majesty the Emperor of all the Russias, duly authorized to receive the same, seven million two hundred thousand dollars in gold. The cession of territory and dominion herein made is hereby declared to be free and unincumbered by any reservations, privileges, franchises, grants, or possessions, by any associated companies, whether corporate or incorporate, Russian or any other, or by any parties, except merely private individual property holders; and the cession hereby made, conveys all the rights, franchises, and privileges now belonging to Russia in the said territory or dominion, and appurtenances thereto.

ARTICLE VII

When this Convention shall have been duly ratified by the President of the United States, by and with the advice and consent of the Senate, on the one part, and on the other by his Majesty the Emperor of all the Russias, the ratifications shall be exchanged at Washington within three months from the date hereof, or sooner, if possible.

In faith whereof, the respective plenipotentiaries have signed this convention, and thereto affixed the seals of their arms.

Done at Washington, the thirtieth day of March in the year of our Lord one thousand eight hundred and sixty-seven.

WILLIAM H. SEWARD [SEAL]
EDOUARD DE STOECKL [SEAL]

Exhibit 54

NOTE: Nowhere in this treaty of sale of Alaska is there any establishment of an international boundary.

FUND FOR STOCKOWNERS RIGHTS

THE STOCKOWNERS' NEWS

NATIONAL HEADQUARTERS
☐ Post Office Box 46853
Washington, D.C. 20050
United States of America

Issue Number 4
December 1984
Contact: Carl Olson

Giveaway of Alaskan Islands and Oil-Rich Seabeds to the Soviet Union Imperils Investments of 500,000 Stockowners of ARCO, UNOCAL, Amoco, and Shell

Corporate managements of four major petroleum companies have exhibited extreme dereliction of duty to their stockowners by failing to fight the State Department's plan to give their multi-million dollar oil and gas leases in the Bering Sea to the Soviet Union, it was charged by Carl Olson, Chairman of Fund for Stockowners Rights, headquartered in Washington, D.C. "Over 860,000 stockowners find themselves under the gun," Olson noted.

Right now the State Department has these four oil companies' fortunes at risk due to its current negotiations with the Soviet Union over just how much of the Bering Sea outercontinental shelf is to be surrendered in the Navarin Basin. These four oil companies--ARCO, Shell, UNOCAL, and Standard Oil (Indiana)--won the competitive process for these leases at the Department of Interior auction on 24 April 1984, bidding over $108 million on 17 blocks. All the other block winners were given their leases, but the State Department put a hold on these in the anticipation that these would be delivered over to the Soviet Union.

"To this day, none of these four oil companies has uttered so much as one public peep in defense of their highly profitable oil leases that the State Department wants to hand over to the greatest enemy of the United States and the free enterprise system--the Soviet Union," Olson reported. "On numerous occasions the managements of these firms have been pressed not only for their views on this giveaway of oil-rich seabeds, but for their advocacy plans to stop the impending losses of millions of dollars for their stockowners. All four have, by their silence, become tacit supporters of this incomprehensively unprecedented turnover of American property to foreign enemies. They have betrayed the trust of their stockowners and their larger corporate responsibility to the American public," Olson declared.

NAVARIN BASIN SUMMARY (blocks subject to State Department surrender to Soviets):

Company	No. of Blocks	Total Winning Bids	Stockowners	
Shell Oil/Transport	14	$ 50,975,667	395,000	
Standard Oil (Indiana)	14	45,173,333	190,000	(Amoco)
AtlanticRichfield	2	10,138,750	198,000	
UNOCAL	1	1,886,250	88,000	
		$108,174,000	861,000	

These areas were the subject of a high-level delegation led by the State Department Legal Adviser Davis Robinson which traveled to Moscow for negotiations with the Kremlin's representatives in the week of 23-27 July 1984. These meetings apparently resolved nothing

(more)

Exhibit 55

The Fund For Stockowners Rights is a nonprofit educational organization dedicated to advancing the concept of stockowners as owners of corporations and to promoting the free enterprise economic system—which makes ownership of corporations possible. Model resolutions for votes at annual meetings and instructions on submitting them will be sent at no charge. Donations to the Fund, an IRS 501(c)(3) group, are tax deductible.
Permission to reprint is granted, provided the name and address of the Fund For Stockowners Rights are included in the reprint. ISSN 0749-9779.

since no word was announced one way or the other, and no further negotiation schedule was announced. Extreme secrecy has shrouded these talks, including the complete refusal of the State Department to reveal who was on the delegation. By other means it was discovered that in addition to Robinson, the delegation included two other members of the Legal Adviser's office Elizabeth Verville and Scott Hajost; Harry Marshall and chard T. Scully of the Bureau of Oceans and International Environmental and Scientific .fairs, and Robert [redacted]ith of the Office of the Geographer.

While these negotiations continue without any resolution, the stakes of billions of barrels of oil, billions of dollars of revenue, thousands of American jobs, the loss of a significant part of America's strategic petroleum reserves, and the irreparable damage to American diplomatic prestige become more and more apparent and credible. The leasing of future oil basins in the Bering Sea and Arctic Ocean off Alaska are also imperilled due to the State Department's declared policy of abandoning all Alaskan territory and outercontinental shelf to the west of the 1867 U.S.-Russia Convention Line.

SECRET POLICY PARTIALLY REVEALED

Fortunately for the American public, the State Department had to reveal part of its surrender policy in public last March. When the Navarin Basin was put up for bid on its billions-of-barrel-of-oil blocks, the announcement in the Federal Register for 16 March 1984 (pages 10056 to 10068) disclosed that the State Department could not figure out where the boundary of American territory and outercontinental shelf was in relation to the Soviet Union. Even more startling was the revelation that the State Department was going on a policy that had no basis either in historical fact or international law.

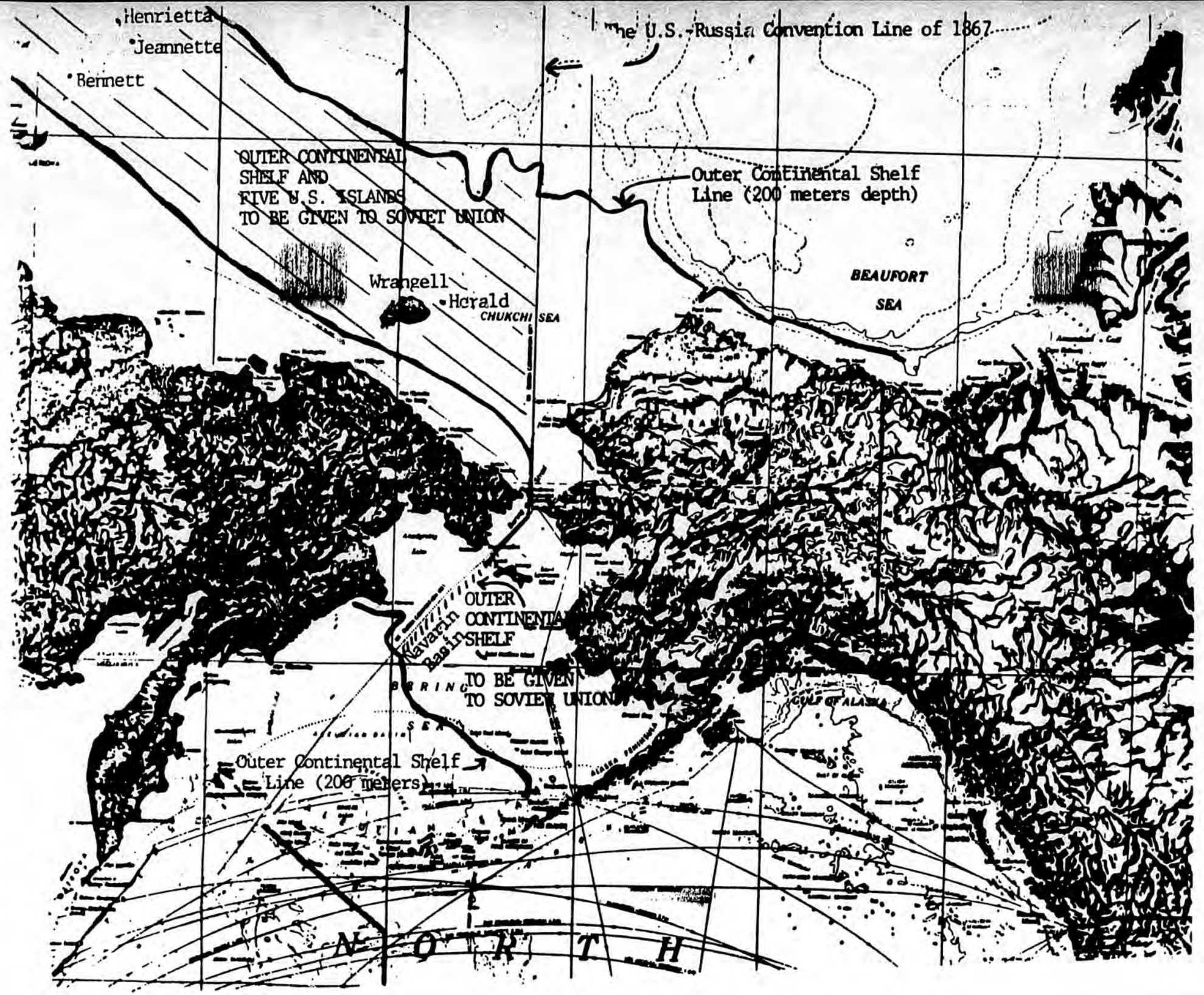
Somehow between 1965 and 1984 the State Department had elevated the old 1867 U.S.-Russia Convention Line (which was used in the purchase of Alaska from Russia for $7[redacted] million) from an arbitrary map line up to the status of an international boundary. This creation of an international boundary by the State Department had been done without any treaty being enacted or ratified by the United States Senate. To this day there is treaty establishing any boundary between the United States and the Soviet Union.

In 1965 the State Department's International Boundary Study No. 14, titled "U.S.-Russia Convention Line of 1867", flatly stated: "Rather than an ordinary boundary per se, this report concerns a convention line which ordinarily appears on official maps in the same manner as a boundary. ...in keeping with the policy that this line does not constitute a boundary, the standard symbol for the representation of an international boundary should never be used." By 1984, the status of this line has been completely reversed by the State Department, as noted in the 16 March 1984 Federal Register statement (page 10065), which declared: "The United States depicts the 1867 Convention Line as the maritime boundary...."

Even more significant than just the Navarin Basin leases, this State Department policy means that it is surrendering to the Soviet Union vast, strategic, and oil-rich Alaskan islands and outercontinental shelf. Incontrovertible historical fact shows the U.S. sovereignty over the Alaskan islands of Wrangell, Herald, Bennett, Henrietta, and Jeannette. Wrangell Island, the largest of the five with 2,800 square miles (the size of Rhode Island and Delaware combined), was found and claimed for the U.S. in 1881 by Capt. Calvin Leighton Hooper aboard the U.S. Revenue Marine (Coast Guard) ship Thomas Corwin; and included in the landing party was the famed explorer John Muir, whose book The Cruise of the Corwin gives a vivid account of the exciting addition to American territory. The three islands of Bennett, Henrietta, and Jeannette are part of the DeLong Islands, which were named after their discoverer U.S. Navy Commander George Washington DeLong, whose expedition aboard the ship Jeannette is memorialized in a statue at the U.S. Naval Academy at Annapolis, Maryland.

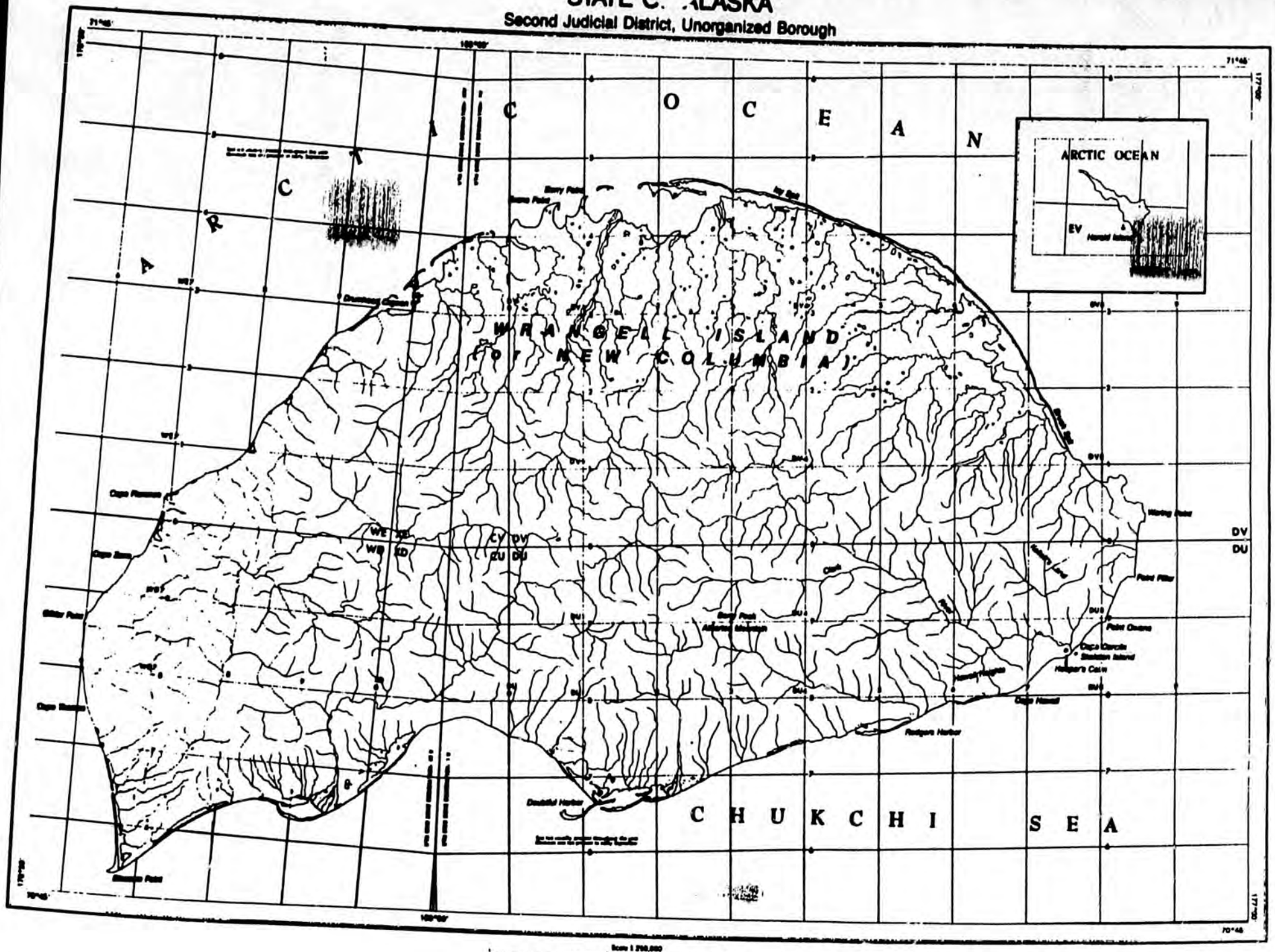
Along with the summary jettisoning of American territory, the State Department is in the same act renouncing all of the oil-rich outercontinental shelf--which is equivalent approximately four times the state of California. The owners of the islands are not even being compensated for this governmental condemnation of property. Many owners have been fighting this non-treaty usurpation by the State Department for years.

"It's now time for the four oil companies to fight for their 861,000 stockowners, so that they don't find themselves abandoned by the State Department to the wolves, too, or should I say, the bears?" Olson challenged.


Henrietta
Jeannette
Bennett
The U.S.-Russia Convention Line of 1867
OUTER CONTINENTAL SHELF AND FIVE U.S. ISLANDS TO BE GIVEN TO SOVIET UNION
Outer Continental Shelf Line (200 meters depth)
Wrangell
Herald
CHUKCHI SEA
BEAUFORT SEA
OUTER CONTINENTAL SHELF
Navarin Basin
TO BE GIVEN TO SOVIET UNION
BERING SEA
GULF OF ALASKA
ALASKA PENINSULA
Outer Continental Shelf Line (200 meters)
NORTH

STATE C. .ALASKA

Second Judicial District, Unorganized Borough



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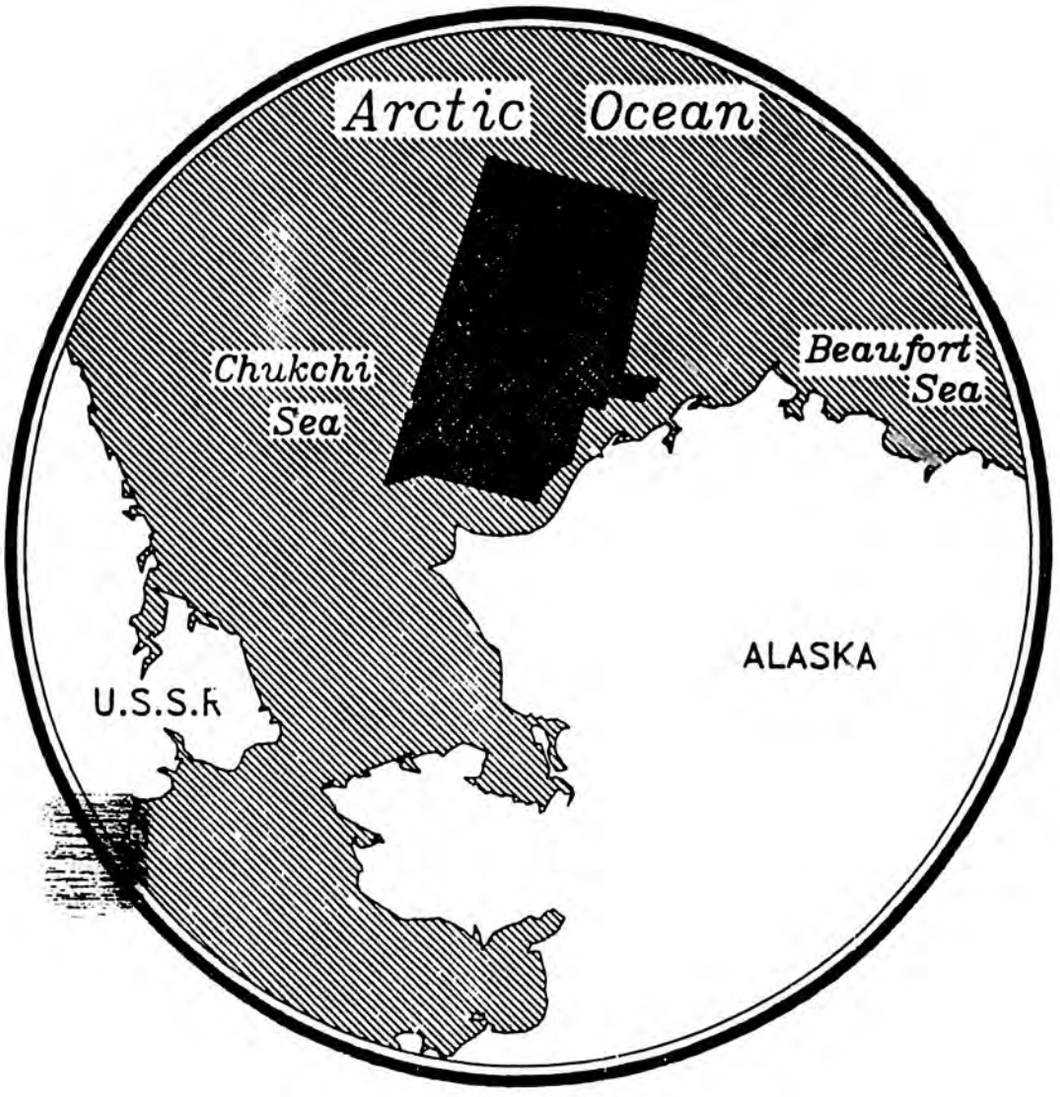
Alaska Outer Continental Shelf

Chukchi Sea Oil & Gas Lease Sale 126

Final Environmental Impact Statement

Volume I



U.S. Department of the Interior
Minerals Management Service
Alaska OCS Region

Exhibit 56

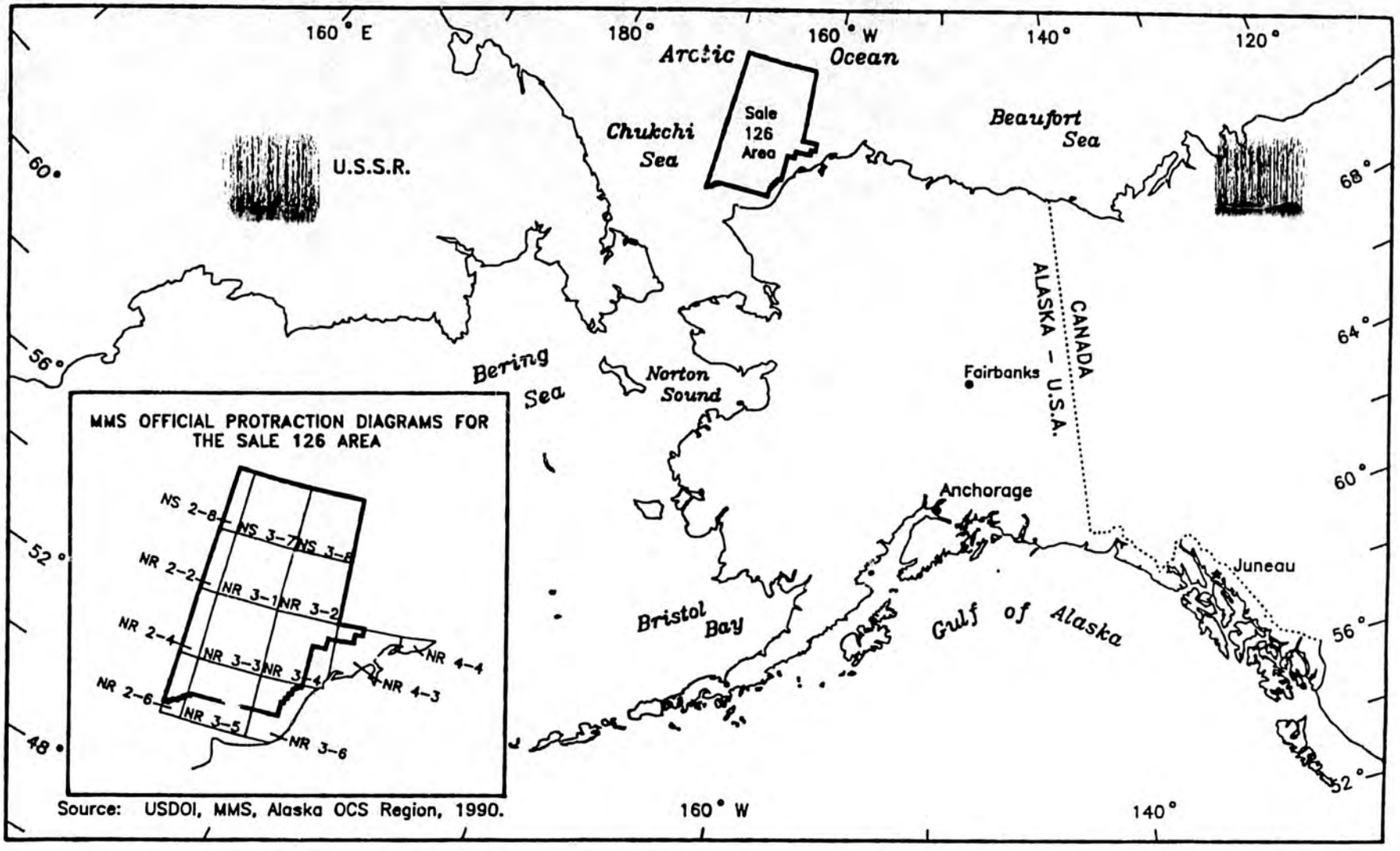


Figure I–1. Location of the Proposed Chukchi Sea Sale 126 Area

Summary of Environmental Impact Statement for Proposed Chukchi Sea Sale 126

This Environmental Impact Statement (EIS) examines a proposal for oil and gas leasing in the Chukchi Sea, three alternatives to the proposal, the major issues identified through the scoping process, and the potential mitigating measures associated with the proposal.

The proposal (Alternative I) consists of 4,319 blocks (approximately 9.58 million hectares) in the Chukchi Sea that are located about 3.5 to 200 miles (about 6.5 to 370 km) offshore in water depths that range from about 98 to 263 feet (about 30-80 m). Alternative II (No Lease Sale) would cancel the proposed lease sale, scheduled for late 1991. Alternative III (Delay the Sale) would delay the proposed lease sale for a period of up to 3 years. Alternative IV (Point Lay Deferral Alternative) would defer leasing on 501 blocks (about 1.15 million hectares) identified in the proposal, resulting in the deferral alternative being moved offshore from about 25 to 75 miles (40 to 120 km). The Secretary of the Interior will decide which of these options or combination of options will take place.

The potential effects of Alternative I (Proposal) are based on three separate cases that represent a range of possible oil and gas activities resulting from Sale 126. The cases are the low case, base case, and high case. It is assumed that natural gas resources would not be economic to produce and would not be developed (see Appendices A and B).

Low Case: The low case assumes that 430 million barrels (MMbbl) of oil would be discovered but that this volume is below the minimum economic resource required for development. As a result, two exploration wells would be drilled, plugged, and abandoned, with industry activity ceasing at this point. This case represents a minimum amount of petroleum industry activity that could occur in the Sale 126 area. The probability of a major oil spill occurring would be negligible. The only spills estimated to occur would be from minor operational spills. The environmental analysis focuses on the effects associated with exploration activities.

Base Case: The base case represents the most likely amount of hydrocarbon resources that could be assumed to be developed from leasing in the Sale 126 area if commercial quantities of hydrocarbons are discovered. It is assumed that 1,610 MMbbl of oil would be discovered and produced in the sale area. It is assumed that natural gas resources would not be economic and would not be developed. The MMS estimates a 0.21 marginal probability, which means that there is an approximately 21-percent chance of economically recoverable hydrocarbons being present in the unleased sale area. For the base-case-resource estimate, two spills of 1,000 barrels or greater (≥ 1,000 bbl) are estimated to occur over the life of the field, with an 87-percent chance of one or more spills occurring.

For the base case, assuming that commercial quantities of hydrocarbons are present in the area and developed, there is a 25-percent chance that one or more spills of ≥ 1,000 bbl would occur and contact land during the summer within 30 days. There is a 25-percent chance that one or more spills of ≥ 1,000 bbl would occur and contact land during the entire winter. The effects from oil spills would be mitigated by the extent to which weathering of oil occurred at sea and by the effectiveness of any oil-spill-cleanup measures.

The base-case-environmental analysis focuses on oil exploration and development and production activities. The analysis uses a hypothetical transportation scenario in which oil production from offshore-production platforms would be piped ashore near Point Belcher and transported overland by pipeline to connect with the Trans-Alaska Pipeline (TAP) near Pump Station No. 2. The oil would be transported south by TAP to Valdez and shipped to the continental U.S. by tankers.

High Case: The high case represents a maximum resource volume of hydrocarbons likely to be present in commercial quantities. It is assumed that 3,540 MMbbl of oil would be discovered and produced in the sale

area. It is also assumed that natural gas resources would not be economic and would not be developed. The marginal probability of hydrocarbons in commercial quantities being present in the sale area is the same as in the base case ([illegible] for the high-case-resource estimate, four spills of ≥ 1,000 bbl are estimated to occur over the life of the field. Assuming that commercial quantities of hydrocarbons are present in the area and developed, there is a 1-percent chance that one or more spills of ≥ 1,000 bbl would occur and contact land during summer within 30 days. There is a 46-percent chance that one or more spills of ≥ 1,000 bbl would occur and contact land during the entire winter. The probability of one or more spills of ≥ 1,000 bbl occurring is 99 percent. The degree of adverse effects from oil spills would be mitigated by the extent to which weathering of oil occurred at sea and by the effectiveness of any oil-spill-cleanup measures.

The high-case environmental analysis focuses on exploration and development and production activities. The analysis uses a hypothetical transportation scenario in which oil production from offshore-production platforms would be transported to the TAP in the same manner as in the base case. The oil would be transported south by TAP to Valdez and shipped to the continental U.S. by tankers.

Alternative II (No Lease Sale) would remove the total area proposed for leasing from further consideration. Therefore, effects identified to occur as a result of the proposal would not occur. This alternative could perpetuate the need for imported oil and add to the need for developing alternative-energy resources.

Alternative III (Delay the Sale) would delay the proposed lease sale for a period of up to 3 years. Effects of this alternative would be the same as for Alternative I (the proposal), but they would be delayed up to 3 years.

Alternative IV (Point Lay Deferral Alternative) would defer leasing on 501 blocks (about 1.15 million hectares), resulting in the deferral alternative being moved from about 25 to 75 miles (40 to 120 km) offshore. The purpose of the deferral alternative is to include those marine mammal habitats not deleted from the sale area during Area Identification, provide additional protection for important coastal habitats, and furnish an additional protective buffer for offshore subsistence-harvest areas of the community of Point Lay. In this alternative, it is assumed that 1,610 MMbbl of oil would be discovered and produced in the sale area, the same as in the base case. It is also assumed that natural gas resources would not be economic to produce and would not be developed (see Appendices A and B). The marginal probability of hydrocarbons in commercial quantities being present in the sale area (0.21) is the same as in the base case. The number and probability of oil spills estimated to occur also are the same as in the base case, assuming that commercial quantities of hydrocarbons are present in the area and developed. The degree of adverse effects from oil spills would be mitigated by the extent to which weathering of oil occurred at sea and by the effectiveness of any oil-spill-cleanup measures.

The environmental analysis for the Point Lay Deferral Alternative focuses on the effects associated with exploration and development and production activities. The analysis uses a hypothetical transportation scenario in which oil production from offshore-production platforms would be transported to the TAP in the same manner as in the base case. The oil would be transported south by TAP to Valdez and shipped to the continental U.S. by tankers.

Table S-1 summarizes the possible effects that are likely to occur as a result of the leasing proposal (Alternative I) and the alternatives to the proposal on those resources identified as major concerns during the scoping process (see Table S-2 for the definitions used in assessing effects). The analyses supporting the conclusions in Table S-1 assume that all current laws and regulations are in place for the leasing proposal. If the potential mitigating measures described in Section II.F.2 of this EIS were adopted, some of the effects described in Section IV would be reduced (the effectiveness of potential mitigating measures is discussed in Sec. II.F.2).

This EIS is not intended, nor should it be used, as a local planning document by potentially affected communities. The facility locations and transportation scenario described in this EIS represent assumptions

Questions for Department of State Regarding the Proposed
U.S.-U.S.S.R. Maritime Boundary Treaty

1. What is the basis for the sovereignty over, and claims to sovereignty (formal or otherwise), of the United States to the islands of Wrangell, Herald, Bennett, Jeannette, and Henrietta? Include acts conducted by U.S. Navy expedition commanded by Lt. George Washington DeLong and U.S. Revenue Marine expedition commanded by Captain Calvin Leighton Hooper.

2. Who or what agency is the final authority for determining which territory belongs to the U.S.? Has this source of final authority changed from 1881 to the present? Under what U. S. statute and/or regulation is this process carried out?

3. If the U.S. at one time owned these islands, but now recognizes the Soviets own them, by what method was the transfer of sovereignty effectuated? Do such transfers of sovereignty require a treaty?

4. If the U. S. never owned these islands, what was the first document by which the U.S. recognized the Soviet claim to sovereignty? What other documents by U.S. government officials acted as if the Soviets had sovereignty?

5. Was the Digest of International Law published in 1983 either by the Department of State or under the sponsorship or endorsement of the Department of State?

6. Were the five islands of Wrangell, Herald, Bennett, Jeannette, and Henrietta excluded from Alaska in the Statehood Act of 1959.

7. Is the State Department's International Boundary Study #14 correct in its description of the U.S.-Russia Convention Line of 1867? If not, what is the correct description?

8. Has anything changed with respect to the U.S.-Russia Convention Line of 1867 since the publication of the International Boundary Study #14 (Revised) in 1965?

9. When the Department of State issued a passport for the survivors of the Lomen Brothers' settlement who were kidnapped by the Soviets from Wrangell Island in 1924, were all the people included in the passport American citizens?

10. For the many rounds of negotiations leading up to the maritime boundary treaty, who were the negotiators on the U.S. and Soviet sides, and what were the dates and locations of all of the negotiating sessions?

11. When negotiations reach the point at which it is determined by a competent authority that they will culminate in a treaty, the State Department is required by statute to notify Congress, especially the Senate for its advice. By what document was this notification made? Who was the "competent authority"? Please supply a copy. (Circular 175 requirement)

12. Are seabeds, marine life, and resources on or below seabeds in the Exclusive Economic Zone considered to be either territory of, or property of, the United States? What is the estimated value of the natural resources (oil, gas, minerals, sealife, etc.) on both sides of the proposed line in the Arctic and Bering Seas.

Exhibit 57

13. Has the U.S. assisted any American claimant of property or territory regarding Wrangell, Herald, Bennett, Jeannette, or Henrietta Islands? Who are these claimants?

14. Why were no representatives of the State of Alaska allowed to participate in any of the negotiating sessions, and why will the State of Alaska not have the power of consent regarding this treaty with respect to ceding territory or establishing its own boundary with the Soviet Union? A clear parallel exists with the negotiations between the U.S. and Great Britain over the boundary between Maine and Canada (Webster-Ashburton Treaty), in which representatives of both Maine and Massachusetts were required to be involved in the negotiations and the consent of these states was also required.

15. During the negotiations, Legal Adviser Abraham Sofaer recused himself, reportedly because of his financial interest in the oil industry. Please supply a copy of any recusal document for Judge Sofaer and any other State Department official for this treaty negotiations.

16. In establishing a maritime boundary line purportedly to follow generally the U.S.-Russia Convention Line of 1867 as described in the 1867 treaty, why was the crucial southern end of the line ignored, i.e., the part of the 1867 treaty which states "...so as to include in the territory conveyed the whole of the Aleutian islands east of that meridian" (193 west longitude)? Copper Island, Sea Lion Rock, and Sea Otter Rock are U.S. islands as described by the 1867 treaty, but would appear on the Soviet side of the maritime boundary treaty.

17. Why have the "eastern special areas" and "western special area" been created on each side of the maritime boundary lines, which permit the U.S. to "exercise sovereign rights and jurisdiction" in the Soviet areas and the Soviets to do the same in the U.S. areas? This is a unique concession to allow a foreign government to exercise sovereign powers inside the U.S. and will require authorizing legislation. Why was not the boundary line drawn to go around these areas and thus avoid the need to create this grave sovereignty problem?

18. Why does the maritime boundary treaty re-define the U.S.-Russia Convention Line of 1867 in terms that were never included or intended in the 1867 treaty?

A. It uses a 200-mile reference from Wrangell and Herald Islands to establish the "eastern special area" in the Arctic, as if the Soviets had sovereignty over Wrangell and Herald.

B. It diverges in all material aspects from the description of the U.S.-Russia Convention Line of 1867 in the State Department's International Boundary Study #14 (Revised).

C. It creates a major "jog" away from the straight line in the Bering Sea to give the Soviets a 200-mile concession.

D. It ignores the part of the line described in the 1867 treaty for the end of the Aleutian Islands (i.e. the line at the 193 west longitude ceding all the Aleutians to the U.S.).

E. It gives in to the Soviet demand for the line to follow a "rhumb" line depiction for the thousands of miles of its length even though such a depiction does not represent the "neutral" shortest distance between two points on the globe (as the "arc of a great circle" depiction would do). The effect of this concession is that the Soviets will get thousands more square miles of outercontinental shelf in the Bering Sea.

Alaska State Legislature

Senator Paul A. Fischer
Senate District D
Bo 34
So ha, Alaska 99669
(90?) 262-9420 W
262-9269 H

State Senate

While in Juneau
Pouch V
Juneau, Alaska 99811
(907) 465-3791

May 21, 1991

Carl Olson, Chairman
Wa:ch State Department
P.O. Box 7981
Northridge, California 91327

Dear Carl:

Thank you for your letter concerning the Soviet-Alaska maritime boundary treaty.

The enclosed copy of a letter signed by Alaska State Legislators is being sent to the Subcommittee to be included as testimony. It is self-explanatory.

If I can be of further assistance, please let me know.

Cordially,

Paul

Senator Paul A. Fischer

Exhibit 58

Alaska State Legislature

Official Business

[redacted]

P.O. Box V
State Capitol
Juneau, Alaska 99811

May 17, 1991

Honorable Senator Joseph Biden, Chair
Subcommittee on European Affairs
Senate Committee on Foreign Relations
446 Dirksen Building
Washington, D.C. 20510-6232

Dear Senator Biden:

The undersigned members of the Seventeenth Alaska State Legislature, individually and collectively, urgently invite your attention to a pressing matter.

An issue before the Congress, presently scheduled to be heard on June 13 by your European Subcommittee of the Senate Foreign Relations Committee, is the proposed treaty to establish an Arctic maritime boundary between the United States and the Soviet Union.

We firmly believe United States interests and Alaskan interests are at stake and in jeopardy in the proposed treaty. The scenaria you have perhaps seen, selectively constructed from actual history, are only part of the misinformation contributing to support for the proposal. There is a great body of geographic and scientific geologic evidence which militates against, but which has been subordinated to, other interests in drafting the proposed treaty.

No Alaskan official has ever been invited to participate in the treaty negotiations, in spite of abiding Alaskan interests in fisheries, petroleum and other potential continental shelf resources and the considerations of navigation in the area. In the entire history of the treaty negotiations, Alaska has had no official voice. Alaska has not been officially consulted in the entire matter. There is precedent. In 1842, at the behest of Secretary of State Daniel Webster, two commissioners from the State of Maine and three from Massachusetts participated in U.S. negotiations with England over a border disputed since the time of the Revolutionary War.

Further, in no way are Alaskan interests severable from those of the United States, but other considerations would appear to have outweighed them all. We have absolutely no interest in laying blame; only in averting possible grevious wrongs. Even though firmly-held persuasions might depend on acceptance of the proposal, they cannot be as vital to all interests as is justice.

It is not our purpose to rewrite the proposal. Able diplomats could do that above our ability. It is our purpose to urgently recommend that the presently-proposed treaty not be ratified by the U.S. Senate, and that negotiations be continued to include appropriate Alaskan officials and current United States and Alaskan historic, territorial and resource interests.

Once ratified, a treaty would be a fact of history virtually impossible to amend. The use of your influence to defer ratification of the proposed treaty and to continue negotiations might prove to have been of presently inestimable value to this and future generations of Alaskans and all Americans.

Thank you most sincerely for your attention and consideration.

Very truly yours,

Ramona Barnes (R) House

Randy Phillips (R) House

Tom Moyer (D) House

Bert Sharp (R) House

Virginia Collins (R) Senate

Ronald Larson (D) House

Dick Shultz (R) Senate

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Albert Adams (D) Senate

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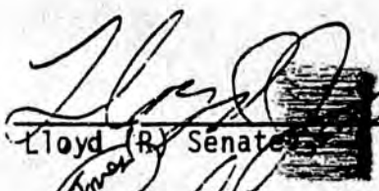

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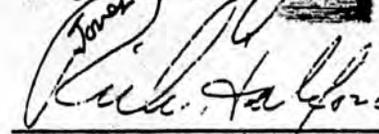

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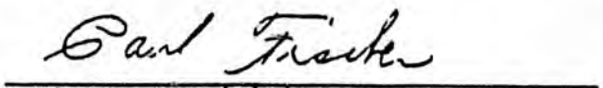

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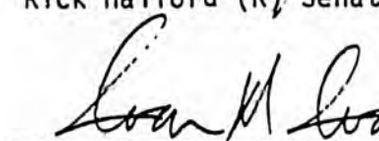

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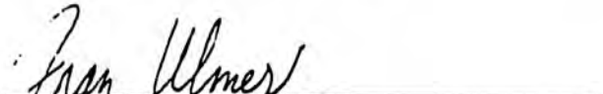

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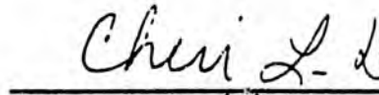

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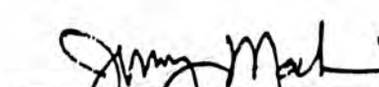

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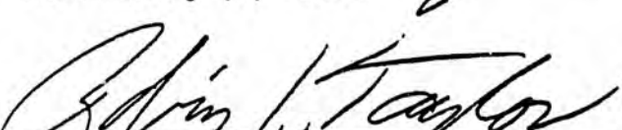

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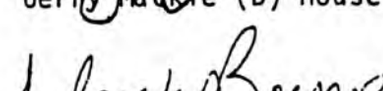

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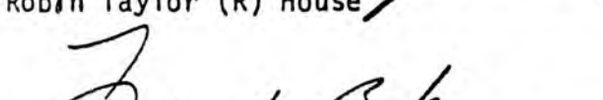

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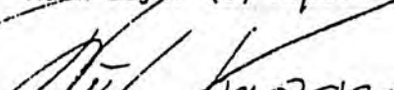

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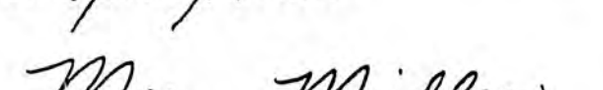

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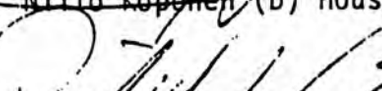

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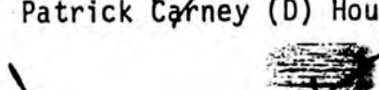

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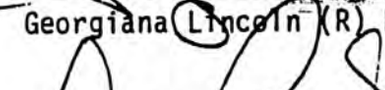

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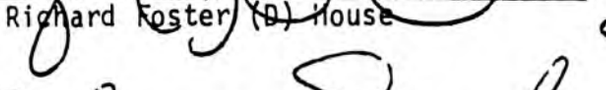

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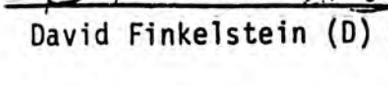
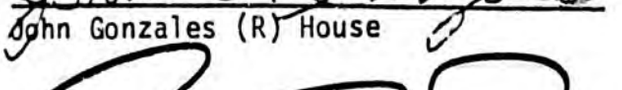


Cliff Davidson (D) House



Jim Zawacki (R) House

Michael Miller [redacted] House

David Choquette (R) House

William Hudson (R) House

Betty Bruckman (D) House

U.S. SOVIET MARITIME BOUNDARY AGREEMENT, TREATY DOC. 101-22

HEARING

BEFORE THE

COMMITTEE ON FOREIGN RELATIONS
UNITED STATES SENATE

ONE HUNDRED SECOND CONGRESS

FIRST SESSION

JUNE 13, 1991

Printed for the use of the Committee on Foreign Relations

U.S. GOVERNMENT PRINTING OFFICE
44-474 WASHINGTON : 1991

For sale by the U.S. Government Printing Office
Superintendent of Documents, Congressional Sales Office, Washington, DC 20402
ISBN 0-16-035552-4

ISBN 0-16-035552-4
9 780160 355523 90000

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U.S.-SOVIET MARITIME BOUNDARY AGREEMENT, TREATY DOC. 101-22

THURSDAY, JUNE 13, 1991

U.S. SENATE,
COMMITTEE ON FOREIGN RELATIONS,
Washington, DC.

The committee met, pursuant to notice, at 2:19 p.m. in room SD-419, Dirksen Senate Office Building, Hon. Joseph R. Biden, Jr., presiding.

Present: Senators Biden and Murkowski.

Senator BIDEN. The hearing will come to order.

Senator Helms, who will be here, is unavoidably delayed and will be a few minutes late, but hopes to be here to participate because he has some interest, more than a passing interest in this subject. But we are going to begin, and I apologize for keeping you waiting.

Today the United States and the Soviet Union stand at a crossroads. One path holds a continuation of the distrust and conflict that have characterized our dealings for nearly a half century, and in truth ever since 1917. The other path holds a more constructive future. On that road, if the two sides take it together, lies the possibility of constructive cooperation in our mutual benefit and to the benefit of the world community at large.

But today the subcommittee meets to consider a measure that constitutes one small step down that path of cooperation. This measure, the U.S.-Soviet Maritime Boundary Treaty, represents the attempt of the two sides to resolve an important dispute through negotiation, compromise, and mutual pledge to abide by the solemn obligations of a bilateral treaty and international law.

The dispute this treaty would lay to rest concerns the sovereign rights and jurisdiction of the United States and the Soviet Union in the seas between Alaska and Siberia. The treaty would govern each country's right to manage fisheries and to conduct oil and gas exploration and development in a vast maritime area.

The treaty was signed by Secretary of State Baker and Foreign Minister Shevardnadze on June 1, 1990, after 9 years, 9 long years, of negotiation, and was submitted to the Senate for its advice and consent last September. The negotiations addressed four fundamental issues:

First, the basis for defining the limits of each country's maritime jurisdiction where under international law they would otherwise overlap.

Second, the method of description of the boundary lines established by the 1867 Convention, by which Russia ceded Alaska to

the United States and made it possible for Mr. Murkowski to become a U.S. Senator; and I might note parenthetically, I did not mean he could not have been a Senator from somewhere else, but at least from Alaska. I do not want to encourage you to come to Delaware, Frank.

Third, the limit of each country's maritime jurisdiction in the areas outside of the 200-mile exclusive economic zones.

Fourth, the question of jurisdiction over areas that are within one country's 200-mile zone but on the other country's side of the boundary line.

The Maritime Boundary Agreement resolves these conflicts by: One, declaring that the 1867 Convention line is the maritime boundary between the United States and the Soviet Union; two, establishing a precise geographic description of the line; and three, providing for the transfer of jurisdiction and Russia rights in four special areas.

I look forward to hearing from our three witnesses today: Senator Ted Stevens of Alaska, who will be here later; Mr. Edwin Williamson, the State Department Legal Adviser; and Mr. Carl Olson, Chairman of an organization called State Department Watch.

Senator Stevens is attending a closed briefing at this time and will arrive later to give his statement. So at this time I would like to yield to my colleague, Mr. Murkowski, and then, assuming Senator Helms is not able to be here by then, and he probably will not be able to be, we will then yield to the State Department representative, Mr. Williamson, to make his statement, and we will proceed from there.

Senator MURKOWSKI. Thank you, Mr. Chairman. I appreciate your reference to the short time that Alaska has been a member of the Union, because oftentimes we try and convince our colleagues that we have a lot of catching up to do.

Senator BIDEN. We in Delaware view it that way, too.

Senator MURKOWSKI. And issues like ANWR and other controversial points of view clearly represent Alaska's effort to establish an economic pattern of support of a sound economy, when your State and others achieved that 100 years ago. We hope that we can learn by your mistakes.

Mr. Chairman, I very much appreciate you holding this hearing on the U.S.-Soviet Maritime Boundary Agreement. As you have pointed out, it is a treaty of great importance to my State of Alaska.

It is kind of unique as we address issues in the far North and find that all the Arctic in the United States happens to be in Alaska. If we had a few other States, it would be reaching a little bit to go to Delaware, but nevertheless a few other allies——

Senator BIDEN. You would get lost.

Senator MURKOWSKI. Well, you never can tell. It would allow us to pick up a few allies and have perhaps a little better understanding. But the reality is that the resources of North America are coming from the Arctic, and it is important that the decisions we make with regard to resource development be based on sound scientific evidence, where scientists are willing to basically put their reputation behind their recommendations.

Unfortunately, much of the decisionmaking process is emotional, one of who can shout the loudest or generate the most argument on any particular side.

Now, this agreement, as you pointed out, has been under negotiation for a long time. The State of Alaska has had an opportunity to be briefed on the process, and I would ask that letters from Governor Hickel and former Governor Cowper be entered into the record that substantiate the specific communications that the State has had with the U.S. Government over this extended period of time.

Senator BIDEN. Without objection.

[The information referred to follows:]

STATE OF ALASKA,
OFFICE OF THE GOVERNOR, JUNEAU, AK,
May 31, 1991.

Hon. JOSEPH A. BIDEN, Jr.,
Chairman, Senate Subcommittee on European Affairs,
Washington, DC.

DEAR MR. CHAIRMAN: I support the proposed U.S.-Soviet Maritime Boundary agreement and am satisfied that the agreement adequately addresses and protects the interests of the United States and Alaska.

This treaty would resolve longstanding boundary disputes between the U.S. and the Soviet Union that have retarded fisheries management and mineral development. The treaty would allow oil development by U.S. companies in previously disputed areas, and would facilitate fisheries management and enforcement by clearly delineating extensive areas available to U.S. fishermen. Also, the treaty would extend U.S. jurisdiction to an additional 13,200 square nautical miles, thereby placing approximately 70 percent of the Bering Sea under U.S. control.

The final resolution of the current dispute would be further evidence of the evolving cooperation and goodwill between the U.S. and the Soviet Union. In turn, this spirit of cooperation will create increased trade, scientific and medical exchanges, and other types of economic and social interchange between U.S. and Soviet citizens.

It is my understanding that the treaty negotiations never encompassed the issue of ownership of Wrangel and other Bering Sea islands and that the proposed treaty does not address this question.

Thank you for considering my views.

With best regards.

Sincerely,

WALTER J. HICKEL,
Governor.

STATE OF ALASKA,
OFFICE OF THE GOVERNOR, JUNEAU, AK,
June 27, 1988.

Hon. GEORGE SCHULTZ,
Secretary of State, Department of State,
Washington, DC.

DEAR MR. SECRETARY: Enclosed is a copy of a joint resolution of the Alaska Legislature regarding the United States' negotiations of its boundaries with the Soviet Union and Canada.

The resolution notes that there have been several rounds of boundary negotiations between the United States and the Soviet Union regarding the nations' boundaries near Alaska. It states, among other things, that "the Department of State has never * * * formally solicited the input or advice of the state [of Alaska] about the content or strategy of the negotiations.

It is my ministerial duty to sign all joint legislative resolutions, and I have performed that duty in this case. I think it is only fair to acknowledge, however, that your Department has consulted with my Washington, DC, office and with Alaska's Congressional Delegation both before and after each round of negotiations, and has formally solicited the state's advice.

Whatever arrangements should be made in the future for a more formal role for the state, I have appreciated your efforts to keep us informed and involved.

Sincerely,

STEVE COWPER,
Governor.

Senator MURKOWSKI. I am pleased to report that, at long last, we seem to have resolved the issue in dispute between ourselves and the Soviet Union over fishing rights and mineral exploration in the Arctic Ocean and the Bering Sea. The Congress, the executive branch, and the State of Alaska have worked closely together throughout the decade to achieve the results that we have before us today. All three are to be praised and recognized for the hard work and diligence that produced this treaty.

The U.S.-Soviet Maritime Boundary Agreement represents a very favorable outcome in terms of U.S. strategic and resource interests. It precisely defines the Convention line which was drawn when we purchased Alaska from Imperial Russia in 1867. The treaty limits the United States and the Soviet Union's territorial sea, exclusive economic zones, or EEZ's, and Continental Shelf jurisdiction when they would otherwise overlap.

As a result, it proposes to settle disputes which have in the past arisen concerning fishing rights in the area, valuable fishing rights, and oil and gas exploration.

Mr. Chairman, under the terms of the Maritime Boundary Treaty, the parties agree: One, that the 1867 Convention line is the maritime—and I stress because there may be some misunderstanding later in the hearing, I stress it is a maritime boundary—between the United States and the Soviet Union.

It also clarifies how the 1867 line is to be defined, something that was left ambiguous in the Convention because we and the Russians used different cartographic techniques. This difference resulted in almost 21,000 square miles in the Bering Sea being claimed by each nation, the Soviet Union and the United States, as falling on its individual side of the 1867 line. So each side claimed it.

The disputed area contains very rich fishing grounds, oil and gas potential. And what we have in this new agreement is a division of the disputed area between the parties.

The 1,600-mile maritime boundary it creates is the longest boundary in the world. It will definitely establish once and for all U.S. and Soviet territorial sea jurisdictions, as well as EEZ and Continental Shelf jurisdictions, in the Bering Sea and the Arctic Ocean.

The treaty also establishes a precise maritime boundary in areas where our two countries' 12-mile territorial sea or 200-mile EEZ overlap or are otherwise in dispute and delimits the parties' Continental Shelf jurisdiction beyond their 200-mile EEZ.

Finally, by adopting an innovative "special areas" formula in the treaty, we minimize the size of the so-called doughnut hole in the Bering Sea that is beyond the fisheries jurisdiction of either party. This is that area 200 miles beyond the shore of either the Soviet Union or the United States.

What we did in the doughnut hole ultimately is give approximately 20 percent to 25 percent more to the United States, which certainly supports our contention of managing that area from the standpoint of vessels that go in there and seek sanctuary and then move out into the surrounding area within the 200-mile zone and fish.

Now, the bottomline is that this treaty places about 70 percent of the Bering Sea under U.S. jurisdiction and gives the United States an extra 13,200 square nautical miles, an area nearly equal in size to the combined area of New Hampshire and Vermont, as compared with the most favorable equidistant line. So one can conclude that we have benefited by approximately 13,200 square nautical miles in this delineation.

Now, Mr. Chairman, we have another issue here and, while I am pleased to support the maritime boundary, I am also equally pleased to note that it has the support of the State of Alaska, and I will get into what the other issue is in just a minute.

You have already indicated an acceptance of the letter from our Governor in which he states: "I support the proposed U.S.-Soviet Maritime Boundary Agreement and I am satisfied that the agreement adequately addresses and protects the interests of the United States and Alaska."

You have also indicated an acceptance of the letter of June 27, 1988, from former Governor Cowper to former Secretary of State Schultz, in which Governor Cowper notes that the State Department "has consulted with my Washington, DC, office and with the Alaska congressional delegation both before and after each round of negotiations and has formally solicited the State's advice."

Mr. Cowper concludes his letter with these words: "I have appreciated your efforts to keep us informed and involved."

Now, to get to the other issue, Mr. Chairman, I think we have a peripheral issue here before us that certainly is important. It is an issue, however, that has really nothing specific to do with the treaty that is before us, but one which nevertheless attaches itself to the treaty. This is the so-called five islands or the Wrangel Island issue.

I feel very qualified to speak on the Wrangel Island because I lived on Rangell Island for 4 years, from 1964 to 1966, and I would suggest that not only am I the only one in the room to have that distinction, but probably the only one in Washington, DC.

Now, I will concede that the island that I lived on had two l's at the end instead of one. But they are often confused, as I look at the audience and see some confusion at my profound reference to having lived on Rangell for 4 years. As a consequence, many of the 700,000 tourists that annually go through Rangell in southeastern Alaska by cruise ship and read accounts of us not claiming Wrangel Island, much of the confusion associated with the five island issue comes about.

Senator BIDEN. You mean you were not sure whether you were a Soviet or an American during that period of time?

Senator MURKOWSKI. No. I tell you, Rangell was—you are going to learn more history than you ever wanted.

Senator BIDEN. Where is it on the map?

Senator MURKOWSKI. Unfortunately, Mr. Chairman, would you believe that it is not even on the map?

Senator BIDEN. All right. Thank you.

Senator MURKOWSKI. It is on the part of Alaska that is off to the right, close to Delaware.

Senator BIDEN. Got you. [Laughter.]

Senator MURKOWSKI. Probably closer to Delaware than it is the Soviet Union. It is the archipelago down near Ketchikan, that wanders down off the Canadian coast. And unless some of the staff can produce an immediate map, I cannot show you where it is, but it is about 900 miles north of Seattle.

Senator BIDEN. Thank you.

Senator MURKOWSKI. And about 1,200 miles south of Anchorage.

But I wanted to point out that distinction to either clarify or confuse those who are addressing the topic today.

Well, as we look at the five island issue, or Wrangel Island, and that is the largest of the five islands, U.S. citizens were certainly involved in the discovery or exploration of each of these islands, located in the Chukchi and the East Siberian Seas.

I would ask that the staff with a pointer or appropriate long hand go out and point to where that is. Is there a volunteer on either side? Obviously, we have not rehearsed this. Go ahead, see if you can find it, because I want to make sure the chairman—Wrangel Island is about 70 miles long.

Senator BIDEN. That is not the one you lived on?

Senator MURKOWSKI. No. No, I lived on the other one, the one that is way down near Delaware.

Senator BIDEN. I just wanted to make sure I understand.

Senator MURKOWSKI. No, that is quite all right.

Some of the other islands that are in dispute are Henrietta—would you show.

STAFF. Herald is here and the other three are——

Senator MURKOWSKI. They are on another map, to the left. Well, you have got some idea of the geography, Mr. Chairman.

Now, as I said, U.S. citizens were involved in the discovery or exploration of each of these islands located in the Chukchi and East Siberian Seas. It is alleged that by ratifying the Maritime Boundary Treaty the United States would recognize claims—excuse me. I think this is important.

It is alleged that by ratifying the Maritime Boundary Treaty the United States would recognize Soviet claims to these islands. Well, that is not true, but such an allegation has been made. The treaty, as I have emphasized time and time again, is a maritime treaty, not an instrument that addresses the issue of sovereignty over territory.

The five islands are not mentioned or alluded to in the treaty that we are now considering. Our claim to them is not properly a matter for discussion in connection with the ratification of this treaty, and a vote in favor of the treaty in no way prejudices potential future U.S. claims to these islands.

Mr. Chairman, I had an opportunity as a member of the Intelligence Committee to view some classified photos of Wrangel Island and I can tell you that Wrangel Island is inhabited. There is an air strip, there is a radar station, and there is an Arctic research station there.

But it is a very, very harsh environment, with just a few months of open sea. There is no source of food, nor is there a source of fuel, with the exception of the musk ox that were planted there some time ago and a small herd of reindeer or mixed caribou in the area. But it is a very, very harsh environment, and the other islands are even more severe in their climatic and barren status. But that begs the issue.

In conclusion, Mr. Chairman, I would urge that my colleagues on the committee and the full Senate ratify the U.S.-Soviet Maritime Boundary Agreement because it will resolve many significant bilateral differences which have existed between the United States and the Soviet Union in the Bering Sea and will allow for the peaceful management of fisheries and mineral exploration in the area, and it will benefit my State of Alaska substantially for resolving once and for all just where that line of boundary is.

I want to commend those who are responsible for the negotiation. It took, obviously, a long time. I think it is fair to say that there is a good deal of criticism in the Soviet Union because they feel our negotiators basically achieved a better settlement than theirs, and I am inclined to agree that our people did very, very well. It took a long, long time.

Thank you, Mr. Chairman. I look forward to the witnesses' presentations.

[The prepared statement of Senator Murkowski follows:]

PREPARED STATEMENT OF SENATOR FRANK H. MURKOWSKI

Mr. Chairman, I very much appreciate your holding this hearing on the U.S.-Soviet Maritime Boundary Agreement, a treaty of the greatest importance to the United States and, especially, my State of Alaska.

This agreement was under negotiation for 9 years, and I am pleased to report that it at long last resolves areas of dispute between ourselves and the U.S.S.R. over fishing rights and mineral exploration in the Arctic Ocean and Bering Sea. The Congress, the Executive Branch and the State of Alaska have all worked closely together throughout the last decade to achieve this result. All three are to be praised for the long, hard work which produced this treaty.

The U.S.-Soviet Maritime Boundary Agreement represents a very favorable outcome in terms of U.S. strategic and resource interests. It precisely defines the Convention Line which was drawn when we purchased Alaska from Imperial Russia in 1867. The treaty limits the United States' and the U.S.S.R.'s territorial sea, exclusive economic zones (EEZs) and continental shelf jurisdiction when they would otherwise overlap. As a result, it settles disputes which have in the past arisen concerning fishing rights and oil and gas exploration.

Mr. Chairman, under the terms of the Maritime Boundary Treaty, the parties agree that the 1867 Convention Line is the maritime—and I stress *maritime*—boundary between the U.S. and the U.S.S.R. It also clarifies how the 1867 line is to be defined, something left ambiguous in the Convention because we and the Russians used different cartographic techniques. This difference resulted in almost 21,000 square nautical miles in the Bering Sea being claimed by each nation as falling on its side of the 1867 line.

The disputed area contains rich fishing grounds and may have some potential for oil and gas. The new agreement divides the disputed area between the parties. The 1,600-mile maritime boundary it creates—the longest in the world—will definitively establish U.S. and Soviet territorial sea jurisdiction, as well as EEZ and continental shelf jurisdiction in the Bering Sea and Arctic Ocean. The treaty also establishes a precise maritime boundary in areas where our two countries' 12-mile territorial seas or 200-mile EEZs overlap or are otherwise in dispute, and delimits the parties' continental shelf jurisdiction beyond their 200-mile EEZs. Finally, by adopting an innovative "special areas" formula the treaty minimizes the size of the so-called "doughnut hole" in the Bering Sea that is beyond the fisheries jurisdiction of either party.

The "bottom line" is that this treaty places about 70 percent of the Bering Sea under U.S. jurisdiction and gives the United States an extra 13,200 square nautical miles—an area nearly equal in size to the combined area of New Hampshire and Vermont—as compared with the most favorable equidistant line.

I am pleased to be able to support the Maritime Boundary Treaty, and I am equally pleased to note that it has the support of the State of Alaska. In fact, I have

received a copy of a May 31st letter from Governor Hickel to you, Mr. Chairman, in which he states that "I support the proposed U.S.-Soviet Maritime Boundary agreement and am satisfied that the agreement adequately addresses and protects the interests of the United States and Alaska." I also have a copy of a June 27, 1988 letter from former Governor Cowper to former Secretary of State Schultz in which Governor Cowper notes that the State Department "has consulted with my Washington, DC, office and with Alaska's Congressional Delegation both before and after each round of negotiations, and has formally solicited the state's advice." Mr. Cowper concludes his letter with the words, "* * * I have appreciated your efforts to keep us informed and involved."

Now, I would like to take a moment to address a peripheral issue—an issue which really has nothing to do with the treaty before us today, but one which has nonetheless attached itself to it. This is the matter of the so-called "Five Islands," or "Wrangel Island," that island being the largest of the five. U.S. citizens were involved in the discovery or exploration of each of these islands located in the Chukchi and East Siberian Seas. It is alleged that by ratifying the Maritime Boundary Treaty the United States would recognize Soviet claims to these islands. But such an allegation is most definitely not true. The treaty, as I emphasized a minute ago, is a *maritime* agreement, not an instrument that addresses the issue of sovereignty over territory. The five islands are not mentioned or alluded to in the treaty we are now considering. Our claim to them is not properly a matter for discussion in connection with the ratification of this treaty, and *a vote in favor of the treaty in no way prejudices potential future U.S. claims to these islands.*

In conclusion, Mr. Chairman, I urge my colleagues on this Committee, and the full Senate, to ratify the U.S.-Soviet Maritime Boundary Agreement. It will resolve significant bilateral differences between us and the Soviet Union in the Bering Sea and will allow for the peaceful management of fisheries and mineral exploration in the area.

Thank you.

Senator BIDEN. Thank you, Senator. Mr. Williamson.

STATEMENT OF HON. EDWIN D. WILLIAMSON, LEGAL ADVISER TO THE U.S. DEPARTMENT OF STATE; ACCOMPANIED BY DAVID COLSON, DEPUTY ASSISTANT SECRETARY FOR OCEANS, INTERNATIONAL ENVIRONMENTAL AND SCIENTIFIC AFFAIRS; ALAN KRECZKO, DEPUTY LEGAL ADVISER; AND JAMES M. HUGHES, ASSISTANT TO THE SECRETARY AND DIRECTOR OF CONGRESSIONAL AND LEGISLATIVE AFFAIRS, DEPARTMENT OF THE INTERIOR

Mr. WILLIAMSON. Thank you, Mr. Chairman, Senator Murkowski.

I am Edwin Williamson, the Legal Adviser to the U.S. Department of State. I am here today to discuss the U.S.-Soviet Maritime Boundary Agreement. With me are: David Colson, Deputy Assistant Secretary for Oceans and Fisheries, on my left; on my immediate right, Alan Kreczko, Deputy Legal Adviser; and on my far right, James Hughes, Assistant to the Secretary and Director of Congressional and Legislative Affairs at the Department of the Interior.

I have submitted a written statement, which I would like to summarize.

The treaty before you establishes the maritime boundary between the United States and the Soviet Union in the North Pacific Ocean, the Bering and Chukchi Seas, and the Arctic Ocean. Under the treaty the two countries agree that the line described as the "western limit" in the 1867 U.S.-Russia Convention ceding Alaska is the maritime boundary.

They also agree on a precise depiction of that line. Further, the agreement contains innovative transfer of jurisdiction provisions that will give each country the ability to exercise jurisdictional rights in new areas on its side of the boundary.

The treaty serves important U.S. national interests. First, the agreement places about 70 percent of the Bering Sea under U.S. resource jurisdiction. It allows the United States to exercise fisheries jurisdiction in several new areas and secures under U.S. jurisdiction other areas important to our fisheries interests.

In terms of hydrocarbon interests, detailed information does not exist. However, given what is known, the boundary serves the United States well both in terms of the size of the area on our side of the boundary and the quality of its resource potential.

Second, by establishing clear U.S. rights to manage fisheries and hydrocarbon activities in previously disputed areas, the agreement will permit resource activities to proceed unhampered.

Third, the agreement's special areas provision ensures that coastal state jurisdiction in accordance with international law can be exercised by one party or the other in all areas within 200 nautical miles of either or both coasts. This keeps to the minimum required by international law the size of the high seas area of the Bering Sea known as the doughnut hole beyond the 200-nautical-mile jurisdiction of both parties. That of course is particularly important to our salmon and pollock fishing interests.

Finally, the agreement removes a potentially significant source of dispute between the United States and the Soviet Union. Between any neighbors, jurisdictional disputes can give rise to serious problems. For nations with a broad-ranging and complex relationship like the U.S.-Soviet relationship, such disputes can have far-reaching political implications.

In this regard, I would emphasize that prompt U.S. ratification of the agreement could facilitate early Soviet ratification of the agreement, which is in the interests of both countries.

Thus far I have been speaking about what this agreement does. I would now like to state what it does not do. There are allegations that this agreement gives away five Arctic islands to the Soviet Union. This allegation is simply incorrect. The agreement is a maritime boundary agreement. It does not recognize Soviet sovereignty over those islands.

Mr. Chairman, this agreement is very favorable to the United States. It allocates resources in an advantageous manner. It permits fishing and hydrocarbon activity to go forward without fear of harassment or confrontation, and it resolves a long outstanding bilateral issue with the Soviet Union.

I urge the Senate to act favorably upon it. I would be pleased to answer any questions.

[The prepared statement of Mr. Williamson follows:]

PREPARED STATEMENT OF EDWIN D. WILLIAMSON

I am Edwin D. Williamson, the Legal Adviser to the United States Department of State. I am here today to discuss the Maritime Boundary Agreement between the United States and the Soviet Union, signed at the U.S.-U.S.S.R. summit in June 1990 after 9 years of negotiation. The President has recommended that the Senate give early and favorable consideration to this agreement and advise and consent to ratification. With me today are David Colson, Deputy Assistant Secretary for Oceans, International Environmental and Scientific Affairs, Alan Kreczko, Deputy

Legal Adviser, and James M. Hughes, Assistant to the Secretary and Director of Congressional and Legislative Affairs, at the Department of Interior.

The agreement, which delimits the world's longest maritime boundary, serves important U.S. national interests. It places about 70 percent of the Bering Sea under U.S. resource jurisdiction. It establishes clear U.S. rights to manage fisheries and hydrocarbon activities in previously disputed areas. It ensures that no maritime area within 200 nautical miles of either country need go unregulated. And it removes a potentially significant source of dispute between the United States and the Soviet Union. Let me elaborate:

First, the location of the agreed maritime boundary is based on the 1867 Convention line, which is favorable to U.S. resource interests however the line is defined. From the point of view of sheer square nautical miles, it is obvious from the map that the United States has secured vast amounts of area under its resource jurisdiction. This agreement allows the U.S. to exercise fisheries jurisdiction in several new areas, which enhances our ability to manage important ground fisheries, including pollock, and to protect U.S.-origin salmon. The boundary secures under U.S. jurisdiction important crabbing areas, particularly in the shallower northern Bering Sea. In terms of hydrocarbon interests, detailed data and information do not exist. However, given what is known of the general geology of this area, the boundary serves the United States well. For example, it secures the United States' rights to a large portion of the Navarin Basin in the northern Bering Sea and the large continental shelf area in the middle of the Bering Sea.

Second, the agreement's resolution of differences over where each party may manage fisheries and hydrocarbon activities, as well as exercise other sovereign rights and jurisdiction, will permit resource activities to proceed unhampered in previously disputed areas. Importantly, it removes the potential for incidents in disputed areas involving fishing or hydrocarbon activities. Such incidents, which we have had in the past, pose a risk to life and safety.

Third, the agreement's "special areas" provision ensures that coastal state jurisdiction, in accordance with international law, may be exercised by one party or the other in all areas within 200 nautical miles of either or both coasts. This keeps to the minimum required by international law the size of the high seas area of the Bering Sea, known as the "doughnut hole," beyond the 200 nautical mile jurisdiction of both parties. That, of course, is important, particularly to our salmon and pollock fishing interests.

Finally, the agreement provides the stability of an agreed and precisely defined boundary line. Between any neighbors, jurisdictional disputes can give rise to serious problems. For nations with a broad-ranging and complex relationship such as that between the United States and the Soviet Union, such disputes and incidents can also have far-reaching political implications.

I would note that U.S. negotiation of this agreement was carried out with the full involvement and concurrence of all interested U.S. agencies. Further, every U.S. negotiating proposal, as well as the final agreement, was approved at the Presidential level.

I would also like to emphasize that our prompt ratification of the agreement could facilitate early Soviet ratification of the agreement, which is in the interest of both countries. Our failure to act could delay or make difficult ratification on the Soviet side, causing us to lose the momentum that will allow us to realize the important gains we stand to achieve under this agreement, including the certainty needed for commercial investment in hydrocarbon exploration and development.

The History of the Agreement. With this introduction, I would like to turn now to a brief outline of the history of this agreement. As you probably know, in 1867 the United States purchased Alaska from the Emperor of Russia. In the 1867 Convention of Cession of Alaska, Russia ceded to the United States all "territory and dominion" up to the "western limit" specified in Article I of the Convention. At that time, the maritime jurisdiction of a coastal state over territorial sea and continental shelf was limited to one marine league (approximately 3 nautical miles).

I would now like to jump ahead by more than 100 years. By the late 1970s, an ever increasing number of countries asserted coastal state jurisdiction well beyond 3 nautical miles. In particular, there was growing recognition of a 200 nautical mile zone of economic interest. Rules for determining the outer limits of the continental shelf had also emerged.

In 1976, both the United States and the Soviet Union established 200-mile fisheries conservation zones. This presented a problem: in areas between Siberia and Alaska in which the U.S. and Soviet coasts are less than 400 miles apart, what was the limit of each state's fisheries conservation zone? Further, in U.S. outer continental shelf program planning, what should be the limits of the U.S. planning areas?

In early 1977, the United States proposed to the Soviet Union that the two sides agree to respect treaties in force between them, in particular the 1867 Convention, in establishing their respective 200 mile zones. The Soviet government agreed, and it appeared that the two sides had resolved the most pressing issue of maritime delimitation. Later that year, a fishing enforcement incident occurred. A Japanese vessel was found fishing in U.S.-claimed waters under a Soviet license. This incident led us to question whether the United States and the Soviet Union were using different cartographic methods to depict the 1867 Convention line. This disagreement over the location of the line posed the risk of inflammatory incidents involving U.S. fishing vessels in the disputed area.

In 1981, President Reagan authorized opening discussions with the Soviets aimed at resolving the dispute over the location of the Convention line. These discussions clarified that the two countries were using two different methods of depicting the Convention line. The U.S. used lines based on "arcs of great circles," i.e., lines that best approximate the shortest distance between points on the surface of the earth. The Soviets, on the other hand, used rhumb lines, i.e., lines of constant compass bearing that appears as straight lines on a Mercator projection. The difference in these depictions resulted in a significant wedge-shaped area that each side believed was under its jurisdiction. Initially, the U.S.-Soviet discussions centered on which of the two methods of depiction was the proper one, both from a technical standpoint and based on the negotiating history of the Convention. (Although various maps had been used in connection with those negotiations, there was no official map or definitive description of the Convention line).

In 1983, the United States proposed to "split the difference" between the two depictions. However, at that point it emerged that the dispute was actually broader than simply the differing methods of depiction. In 1977, the Soviets had accepted use of the Convention line in areas in which the U.S. and Soviet 200 mile zones overlapped and were now willing to depict that line on a split-the-difference basis. However, they argued that use of the Convention line would be inequitable elsewhere, i.e., in areas beyond 200 miles of both coasts and in areas within 200 miles of one coast but beyond 200 miles of the other country's coast. Use of the Convention line in those areas, the Soviets contended, would place most of the large Bering Sea continental shelf on the U.S. side of the line and would require them to give up claimed EEZ areas on the U.S. side of the line that were within 200 miles of the Soviet coast but beyond 200 miles of the U.S. coast where the United States could not claim EEZ jurisdiction.

After several years of stalemate, the core of the agreement emerged. It was agreed that the Convention line would serve as the maritime boundary throughout its entire length. Regarding the area of continental shelf beyond 200 miles of both coasts, most of this so-called "doughnut hole" lies on the U.S. side of the line. The areas on the U.S. side of the Convention line within 200 miles of the Soviet Union but beyond 200 miles of the United States were more complex. Restricting Soviet EEZ jurisdiction in these areas could have been counterproductive. Because those areas are beyond 200 miles of the U.S. coast, the United States could not, under international law, claim EEZ jurisdiction there. The result of simply applying the 1867 Convention line would therefore have been to leave these areas as high seas not regulated by either the Soviet Union or the United States. As this committee knows, this would have produced a larger "doughnut hole" in the central Bering Sea, where we and the Soviet Union share a concern about unregulated fishing. To prevent this, the two sides developed an innovative approach providing for the transfer to the United States of the Soviet right to exercise jurisdiction derived from the EEZ in such areas. Thus, rather than leaving these areas as Soviet EEZ or high seas, the United States has the right to exercise jurisdiction in these areas. To provide an equitable balance in the agreement, the U.S.-proposed split-the-difference line was shifted a corresponding amount to the east.

The Maritime Boundary Agreement. With this historical background, I would now like to summarize the agreement itself. First, the parties agree that the line described as the "western limit" in Article I of the 1867 Convention is the maritime boundary between the United States and U.S.S.R. (Article 1). That line is defined precisely using a detailed geographic description contained in Article 2 and in an annex. Second, each party agrees that, with respect to the special areas, the sovereign rights and jurisdiction derived from EEZ jurisdiction that it could otherwise exercise in the absence of the agreement of the parties on the maritime boundary may henceforth be exercised by the other party. As the text of Article 3 makes clear, these novel "special area" provisions do not constitute unilateral extension of coastal state EEZ jurisdiction beyond 200 miles. Accordingly, each party is obligated to ensure that any special area in which it exercises these rights and obligations is

represented on charts in a manner that distinguishes it from the party's exclusive economic zone.

The agreement (Article 4) also provides that the maritime boundary does not affect or prejudice either party's position with respect to the rules of international law relating to the law of the sea. It defines "coastal state jurisdiction" as referring to sovereignty, sovereign rights, or any other form of jurisdiction with respect to the waters or seabed and subsoil that may be exercised by a coastal state in accordance with the international law of the sea (Article 5). The agreement does not affect the right of hot pursuit under international law. Finally, the agreement provides that any dispute over the interpretation of the agreement is to be resolved by negotiation or other peaceful means agreed by the Parties (Article 6).

The Five Arctic Islands. Thus far, I have been speaking about what this agreement does. I would now like to state what it does *not* do. There are allegations that this agreement gives away five Arctic islands to the Soviet Union. This allegation is simply incorrect. The agreement is a maritime boundary agreement. It does not recognize Soviet sovereignty over those islands.

Conclusion. Mr. Chairman, this agreement represents a very favorable outcome for the United States. It allocates resources in an advantageous manner; it permits fishing and hydrocarbon activity to go forward without fear of harassment or confrontation; and it resolves a long-outstanding bilateral issue with the Soviet Union. I urge the Senate to act quickly upon it. I will be pleased to answer any questions.

Senator BIDEN. Mr. Williamson, thank you for your testimony.

You made reference to one of the allegations that have been made, that the treaty has "given away" the five islands. I also would like to raise a question about the administration's coordination with other Federal departments and agencies.

Would you please describe who you received input from and whether any of these agencies expressed concerns during the negotiations and how their concerns were addressed? As you know, Governor Hickel of Alaska has submitted a letter in support of the agreement, for example. Did you consult with Alaskan officials during these negotiations?

Mr. WILLIAMSON. Yes, Senator. All relevant agencies of the U.S. Government were involved in the negotiating process and support the resulting treaty. The U.S. delegation generally included representatives from State, the Department of Defense, Interior, NOAA, and the Coast Guard.

The Department consulted regularly and extensively with the Alaska congressional delegation as well as the Alaska Governor's office in Washington. We conducted such consultations before every meeting with the Soviets. Once the negotiations began, we consulted at least before and after each round of negotiations.

I would note that these were consultations in the truest sense. That is, we were always looking for the ideas, reactions, and suggestions of the Alaska representatives.

I would also add that we offered to each Alaska Governor the opportunity to be briefed on this issue, at least one of which offers was accepted.

Senator BIDEN. With regard to the special areas that are established by the agreement, can you explain why it was necessary to create them? And what action would have to be taken to take advantage of the rights to these areas that are granted by the agreement?

Mr. WILLIAMSON. The special areas constitute the areas on a particular country's side of the boundary which are not within the 200 nautical miles of the coast of that party. There are three. On the

U.S. side—and Bob Smith is going to give us a slightly different map. [Chart shown.]

There is the northernmost and one on the south, on the eastern, on the U.S. side. There is also one on the Soviet side of the boundary.

To exercise the rights that were given to us under the agreement in those special areas will require implementing legislation. The reason is that the current legislation authorizes the exercise of jurisdiction in the U.S. exclusive economic zone, the EEZ, which is the area, of course, within 200 nautical miles of the U.S. coast. Special provision would have to be made for the exercise of jurisdiction in the special areas, which lie beyond nautical miles of the U.S. coast.

Senator BIDEN. I understand that, as you have mentioned, there is a large area in the center of the Bering Sea called the doughnut hole, where there will still be some question of fishing rights even after the agreement is in place. Could you explain the situation and tell us what can be done to resolve it?

Mr. WILLIAMSON. Well, first, Senator, I would like to ask Mr. Colson to speak to this issue. He was involved in our negotiations on that.

Senator BIDEN. Mr. Colson.

Mr. COLSON. Thank you, Senator.

Last June at the same summit meeting at which the agreement was signed, Presidents Bush and Gorbachev issued a statement about the fishing in the doughnut hole, noting the concern of both Governments about that. Since that time, we initiated negotiations here in Washington here in February, working together with the Soviets and involving the four countries that fish in that area, which is beyond 200 miles of both coasts—Korea, Japan, Poland, and the People's Republic of China.

We made some progress at that meeting. We reached some interim arrangements on data collection, agreement that the foreign fishing nations would not retain salmon or herring that might be caught as bycatch in that area, and they agreed to come to another meeting.

Senator BIDEN. What do you mean by "bycatch"?

Mr. COLSON. Sir, they are there—they are not the target species of the fishery. They are there fishing for pollock and they accidentally catch salmon occasionally and, in order to create a disincentive for them to do that, they are asked to throw them back over the side.

And then they agreed to come to a further meeting. They agreed to come to a further meeting, which will be held in Tokyo in July, with a view to reach an agreement on some observer and monitoring programs, as well as development of a transponder program for that area so that we can make sure that these fishermen that are in the area, as Senator Murkowski said, are not cheating and come into the U.S. EEZ.

So it is a matter of very active negotiation. I am sure that we will probably be having a negotiating round every 3 or 4 months on this with these countries until we get it satisfactorily brought under control.

Senator BIDEN. Thank you.

Senator Murkowski.

Senator MURKOWSKI. For just a moment, gentlemen, on the issue of discovery. I have always looked at this issue as one which, while it is not necessarily part of the Maritime Boundary Agreement, nevertheless it is before us in theory with regard to discovery, and I have looked at it from the standpoint of how we could substantiate a case for discovery.

And while we acknowledge the role that Americans played in discovery and exploration of the five islands, I believe Wrangel Island was first discovered by a U.S. vessel in 1881, and the captain reportedly raised the American flag and claimed the island for the United States. And also in 1881 the crew of a U.S. naval vessel made the first recorded landings on Bennett, Henrietta, and sighted Jeannette as well.

I am told, on the other hand, that under international law discovery itself is not sufficient to establish a right of sovereignty over or valid title to territory. Instead, discovery gives rise only to an inchoate claim that temporarily bans the establishment of dominion by another country until the discovering country has had a reasonable opportunity to occupy and possess the territory.

Discovery by a national of a country does not suffice to create even an inchoate claim. The nation itself, rather than its nationals, must manifest the intention to establish dominion. To establish definite territorial sovereignty, discovery must be combined with effective occupation by which the claimant nation exercises the actual continuous and peaceful display of the functions of a State over a territory.

And even though the island was occupied by the Lomen Co. and Lomen family for a period of time, I am wondering if you could enlighten us briefly for the record concerning the differentiation between the American discovery and the question of the application of international law and claim to the islands in question.

Mr. WILLIAMSON. Senator, as you correctly point out, discovery does provide a potential claim, but it is an inchoate claim, and something else must be done. The United States has never attempted to establish territorial sovereignty over these islands.

Wrangel, Bennett, Henrietta, and Jeannette Islands were discovered by U.S. citizens. When the Russian Imperial Government asserted sovereignty over them in 1916, the United States did not respond. Similarly, when the Soviets asserted sovereignty over them in 1924 and thereafter extended Soviet administration over them in 1926, the United States did not respond.

In 1940, the Department of State was specifically asked what its position was and it declined to assert a claim.

Senator MURKOWSKI. So by not asserting, we have not necessarily abandoned the opportunity, as is pointed out, I believe, in your opening remarks. The Maritime Boundary Agreement is what is before us here, as opposed to the question of sovereignty, and we are just not addressing that matter again at this time. Is that a correct interpretation?

Mr. WILLIAMSON. That is right, Senator. The issue is just not addressed in this agreement.

Senator MURKOWSKI. But is it precluded from being addressed should we care to address it with the Soviets?

Mr. WILLIAMSON. I would say the agreement does not preclude addressing it. I think the ability of the United States to make a claim on these islands has been significantly affected by many events which occurred prior to the negotiation of this agreement.

Senator MURKOWSKI. But by adopting the Maritime Boundary Agreement, are we placing ourselves in an adversarial position should we want to negotiate on the issue of sovereignty? Or does it really make any significant difference?

Mr. WILLIAMSON. I do not think it makes any significant difference as far as our ability to assert a claim.

Senator MURKOWSKI. If we were to pursue a claim for territorial status and we reached an impasse, what is the procedure for arbitration? The World Court? Or does it have to be agreed upon by both sides?

Mr. WILLIAMSON. Well, if there is a dispute between the two parties under the agreement, the agreement does not specify a dispute resolution mechanism, but simply provides that the parties will try to peacefully settle their dispute. A claim asserted by the United States I do not believe would be a matter covered by the agreement.

Senator MURKOWSKI. Well, if we were to initiate a claim against the Soviet Union and could not resolve that claim, is there a historical precedent set for resolving claims of this nature through an arbitration or a World Court, from the standpoint of the record?

Mr. WILLIAMSON. There is no mandatory procedure. The parties could certainly agree to either arbitration or agree to submit to World Court jurisdiction.

Senator MURKOWSKI. Or they could just agree to disagree and leave the issue?

Mr. WILLIAMSON. Yes.

Senator MURKOWSKI. Thank you, Mr. Chairman.

Senator BIDEN. I have one last question for you, Mr. Williamson. How serious is the opposition to this treaty in the Soviet Union?

Mr. WILLIAMSON. Senator, we know that there are some hardliners and some fishermen in the Soviet Far East who have voiced opposition to it. But we do not know whether that is strong enough to keep it from being approved by the Supreme Soviet of the Soviet Union.

Senator BIDEN. It may sound like a silly question, but has Mr. Yeltsin or anyone in the Russian Republic in the upcoming election spoken to this issue? Has it reached that dynamic in their fledgling attempts at democracy?

Mr. WILLIAMSON. I am not aware of any comments by Yeltsin. Of course, Yeltsin is running for President of the Russian Republic and we are talking about the Soviet Union.

Senator BIDEN. Is this not within the Russian Republic? It is, is it not?

Mr. WILLIAMSON. Well, the agreement, though, is with the Soviet Union, the central government.

Senator BIDEN. I understand, I understand that.

Mr. WILLIAMSON. And if the Russian Republic were to secede and become an independent republic, an independent State, we believe that this is the kind of agreement that it would be as obligated under the agreement as the Soviet Union.

Senator BIDEN. I guess this is just more of a point of curiosity than of legal consequence. If the United States were negotiating the boundary between Canada and the United States at Vermont, I assure you those running for Governor in Vermont would have a view of where that boundary would lie, and it would lie well into Canada, I am sure. And that is all I meant.

But that is more a matter of curiosity, not of legal consequence.

Mr. WILLIAMSON. I understand that Yeltsin has complained, more about the process and that he was not consulted.

Senator BIDEN. See, he is sounding like a Governor already. [Laughter.]

I see our colleague from Alaska is here and, with the permission of the committee, since he has other committee hearings himself to be part of, I would invite him to come forward. You all stay right there. I am sure he would not mind you staying there.

If you would join us, and if the staff would pull the microphone over for the Senator. I know he has a statement to make. Welcome, Senator.

STATEMENT OF HON. TED STEVENS, U.S. SENATOR FROM ALASKA

Senator STEVENS. Thank you very much, Mr. Chairman and members of the committee.

I am involved in a hearing in which we are inquiring of General Schwarzkopf what may be necessary to improve the armed forces. So I appreciate your courtesy in letting me proceed so I may return.

I am really here today because I think that this agreement is important to our State, and I would like to state the reasons for that. It is going to improve the management of the international fisheries area in the North Pacific. The area between the United States and the Soviet Union is most important. This is the most prolific area left in the world for the production of seafood products, and I believe the Soviet Union in ceding jurisdiction to the United States in three special areas has made a significant concession to us.

These areas, with a combined total area of 3,850 square nautical miles, are actually now within what would technically be the 200-mile exclusive economic zone of the Soviet Union and under this agreement would now be on our side of the maritime zone.

In terms of this agreement, we grant control over one special area which is 300 nautical miles, as I understand, that would be under Soviet jurisdiction. So we really gained control over 12 times the amount of ocean surface we give up.

It is, I think, indicative really of the need for management in the area. The existing situation of the dispute is detrimental to our fisheries and it has left us with a situation of unregulated fishing that already threatens the total system.

In order to reach what we call the doughnut in the North Pacific, a fishing vessel must pass through waters which are either under the jurisdiction of the Soviets, in their 200-mile zone, or the United States in our 200-mile zone. The doughnut which is in between the two 200-mile zones, approximately 48,000 square nautical miles, does not now fall under the jurisdiction of either nation.

The Coast Guard has caught a number of vessels, foreign vessels, that illegally fish in our waters, because they go through one zone or the other, the Soviet zone or others, and then dart back into our waters to fish for our fish. In these raids, over 1 million metric tons of pollock have been taken. I am talking about the illegal raids of these fishing vessels into our waters, and increasingly they are taking salmon, herring, cod, and other species.

The reported catch the past year from the doughnut of 1.4 million metric tons of pollock is more than the amount that is legally taken inside our own exclusive economic zone, and foreign fishing vessels operating out of the doughnut, in other words, have outfished us, taking the same species that we harvest.

It is a key element of the food chain in the North Pacific. Pollock is extremely important to the total ecosystem of our Bering Sea and the North Pacific.

I think that without the control that will be established with the approval of this agreement, we would face disaster in the long run in the North Pacific.

For instance, salmon caught by foreign fishing vessels operating out of the doughnut would normally go either to Soviet or Alaska streams, and they are anadromous fish. Neither country allows the harvesting of salmon on the high seas, and yet these foreign fishing vessels operating in the doughnut can continue to do this terrible damage on our major species, the salmon.

In 1988 the Senate unanimously approved S. Res. 396. That was a resolution I introduced, that this committee supported, and I thank you for your help. It called upon the State Department to work with the Soviet Union to bring about a moratorium on fishing in that doughnut.

Since that resolution, I am informed there are negotiations underway between our two countries to try and address the problems. Next month the United States and the Soviet Union will be meeting with Japan, Korea, the People's Republic of China, and Poland in Tokyo to discuss this very agreement, that is the control of fishing in the doughnut area between the two 200-mile limits.

The approval of this agreement that you have before you, in our opinion, will strengthen the efforts to work jointly with the Soviets to achieve a common goal, and it is a common goal because the Soviet Fisheries Minister was in Alaska and explained to us that they do understand the problem of unregulated fishing in the doughnut.

This agreement that is before you is supported by U.S. fishermen, I am sure of that. It grants the U.S. jurisdiction over 13,200 square miles more than the waters that we now have control of under our former theory of using a line that would be equidistant between the two competing claims.

What I am saying to you, Mr. Chairman and members, my colleague Senator Murkowski, I think that this agreement will settle a longstanding dispute over who controls the waters of the Bering Sea. A clearly defined boundary will prevent this harassment of our species. It will also prevent harassments of U.S. boats by the Soviet Union.

I will never forget when the *Frieda K*, a small boat from Homer, was seized and taken into Providenya by the Soviet Navy. We have

had as recently as 1987 Soviet gunboats and planes threaten U.S. fishing boats in the disputed area.

I brought with me a letter from the Alaska Crab Coalition that I would ask you to place in your record if you have not got it already. The total crab coalition that works in the North Pacific and the Bering Sea from both the State of Washington and Alaska support the approval of this agreement, and I would ask that you put that in the record.

[The information referred to follows:]

ALASKA CRAB COALITION,
SEATTLE, WA, *June 11, 1991.*

Hon. TED STEVENS,
SH-522, Hart Senate Office Building, Washington, DC.

DEAR SENATOR STEVENS:

The Alaska Crab Coalition ("ACC") strongly supports ratification of the Agreement Between the United States of America and the Union of Soviet Socialist Republics on the Maritime Boundary which would delimit the coastal state jurisdiction of the two countries in the maritime areas between Alaska and Siberia. The ACC is a trade association representing owners of approximately 70 United States-flag fishing vessels which operate in the crab fisheries of the Bering Sea. Although the ACC is based in Seattle, it represents vessels which are based not only in Washington, but also in Alaska. In addition, the ACC represents companies which engage in the processing of crab and in support services for the crab fishing industry.

The ACC believes that the Agreement is in our national interest. The resolution of the long-standing difference of view between the United States and the Soviet Union concerning the depiction of the maritime boundary, and the proposed establishment of an arrangement to avoid enclaves beyond the limits of national jurisdiction, are important to the orderly conservation and management of the fisheries of the area.

The Agreement also removes a source of potentially dangerous friction between the two countries. You will recall that Soviet vessels challenged U.S. fishing vessels operating in the boundary area. This gave rise to difficulties both for the American fleet and for the United States Government which is responsible for the security of its citizens.

The ACC hopes that the Senate will promptly give its advice and consent to the Agreement and that the Congress will expeditiously enact the requisite implementing legislation. The ACC would be grateful if you would bring its position on this matter to the attention of the Senate Committee on Foreign Relations.

With best regards.

Sincerely,

KEVIN KALDESTAD,
President.

Senator STEVENS. In summary, I believe the benefits to U.S. fishermen and the protection of the marine ecosystem that will come from the U.S. control over the Bering Sea make this boundary agreement very worthy of Senate approval. And let me emphasize this, Mr. Chairman: No representative of any industry with interests in the affected area has contacted me or my office to express opposition to this agreement.

And on that basis I recommend your prompt approval of the agreement, and I thank you for your courtesy.

Senator BIDEN. Thank you, Senator. If there is anyone in this Congress who ever has been jealous of the prerogatives of the State of Alaska and Alaskan interests, it is the Senator from Alaska, the senior Senator, as well as the junior Senator. But you have been here longer, hollering about it more.

And I must tell you, if you come and approve this, recommend the approval of this agreement, I doubt whether there is a woman or man in the Senate who would not conclude from that alone that it is beneficial to U.S. interests, clearly to Alaskan interests. And I know, as you pointed out to me on many occasions, whatever is in Alaska's interests is in the interests of the United States.

Senator STEVENS. I am pleased you noted that, Mr. Chairman. Let me tell you further than that. I want you to know that I cannot think of an issue that has affected our State that the State Department has been more forthcoming on. We have been in a series of meetings on this agreement going back to the days of Lloyd Cutler, and it has been ongoing ever since then.

We have been kept informed. The negotiations have been fully disclosed to us and to our Soviet counterparts. We did have a meeting, as I indicated, in Anchorage to discuss this with our fishermen. And I think the full disclosure has led to the position that I can disclose to you now: No one that I know of in Alaska involved in industry that is related to the North Pacific objects to this agreement.

Senator BIDEN. You are fully supportive of this agreement?

Senator STEVENS. I am absolutely supportive.

Senator BIDEN. I have no questions. Senator? [No response.]

Senator STEVENS. Thank you very much.

Senator BIDEN. Senator Helms is still necessarily tied up in another meeting, so I can say to Mr. Williamson and his colleagues that we are delighted to have them stay, but there is no need for that—I know they are busy as well—as we turn now to our final witness, Mr. Carl Olson, Chairman of State Department Watch. Thank you very much for being here and thank you for your testimony.

Mr. WILLIAMSON. Thank you very much, Mr. Chairman.

Senator BIDEN. Mr. Olson, in light of the decision made by the Department to leave at this time, why do you not come up here and take a seat in the middle. Mr. Olson, would you identify yourself for the stenographer, and also who is accompanying you.

STATEMENT OF CARL OLSON, CHAIRMAN, STATE DEPARTMENT WATCH, ACCOMPANIED BY MARK SEIDENBERG, VICE CHAIRMAN

Mr. OLSON. Good afternoon, Mr. Chairman. My name is Carl Olson. I am the Chairman of State Department Watch. With me today is our Vice Chairman, Mark Seidenberg.

Senator BIDEN. Welcome Mr. Seidenberg.

Mr. OLSON. State Department Watch is a nonpartisan, nonprofit foreign policy watchdog group.

I want to thank you very much for this opportunity to testify on the proposed U.S.-U.S.S.R. Maritime Boundary Treaty. This is something of an historic occasion, since this is the first time that the public has had an opportunity to provide input on consideration of the content, process, and consequences of this proposed treaty.

At the outset here, I would like to suggest that the committee proceed slowly, since much of the material will take considerable analysis. Our group has done extensive original research on these matters and has conducted a campaign to bring public attention and sentiment to bear.

Inasmuch as this is an initial interchange of information and views, I respectfully request from the Chair to have the right to respond on the record to the materials the Department of State is providing today and to respond to any answers that the State Department might provide to questions on this issue and to keep the record open so that we can provide more materials as they come in.

Senator BIDEN. Without objection, we will allow that. We will allow you 3 days to respond to what you heard here today, and if there are any written questions submitted by the committee to the Department, we will allow you 3 days to have an opportunity to respond to their answers.

Mr. OLSON. We appreciate that.

Mr. SEIDENBERG. Thank you.

Mr. OLSON. Our presentation is divided into three areas. We have a very extensive briefing here, with about 65 exhibits attached. I will talk about it in a concise fashion and then discuss any issues that want elaboration.

Senator BIDEN. We will allow your entire statement to be placed in the record as if read.

Mr. OLSON. We appreciate that.

The three areas are: The secrecy under which the proposed treaty was negotiated; the threat to the constitutional principles of Federal-State relations; and the substance of the agreement, including the giveaway implications of U.S. and Alaskan territory and seabeds to the Soviet Union.

Although the proposed treaty involves areas in and around Alaska, it encompasses not only the major concerns of the State of Alaska, but also the interest of every other State and person in the United States and the sovereignty of the U.S. Government.

First of all, the secrecy. Negotiations on this proposed treaty have been carried out in the utmost secrecy for almost a decade. The public, the State of Alaska, and the Congress have been systematically excluded from any meaningful information and/or participation.

According to the Department of State, the negotiations began in 1981. It says that several rounds were held on setting a boundary line between the United States and the Soviet Union. As can be appreciated, these were always intended to be historic and unprecedented talks, since there has never been any boundary agreement between the United States and Russia or its successor Government of the Soviet Union.

If anything, the Department of State should have been inviting all manner of inputs over these negotiations of monumental consequences. But for reasons not yet revealed, it decided not to publicize the negotiating sessions. We never saw any news briefings on them, nor were there any typical public ceremonious events such as we are all accustomed to for significant issues, such as the START talks, Helsinki Accord discussions, and so on.

As a matter of fact, the Department of State still regards the entire series of negotiating sessions to be a deep, dark secret, to be kept from the public and congressional view. It even continues to refuse to divulge the dates and places of negotiations and the names of the United States and Soviet negotiating teams.

Our group has been working diligently since we found out about this in 1984. We did not find out about it by an announcement from the Department of State, but rather from something from the Department of the Interior. The Department of the Interior was leasing out the Navarin Basin and in their announcement they noted that they did not have a western boundary there in the Bering Sea because there was a dispute going on.

Now, when it was mentioned in the Federal Register that "the United States depicts the 1867 Convention line as the maritime boundary," this announcement was very startling. Two adverse consequences were immediately apparent. First, somehow the Department of State wanted to elevate the 1867 United States-Russia Convention line from its role as a line of demarcation, indicating what territory is being ceded to the United States by Russia in 1867, into a maritime boundary. It never had been considered a boundary line in the past and there is no reason to believe it would be an advantageous or equitable boundary line.

Now, the second implication was that if the entire 1867 Convention line were to become a maritime boundary, not just the portion in the Bering Sea in the vicinity of the Navarin Basin, then it would extend due north from the Bering Straits. This would effectively cut off the American islands of Wrangell, Herald, Bennett, Henrietta, and Jeannette, which are west of that line, and the immense amount of Outer Continental Shelf and exclusive economic zone that attaches to those islands and cede them de facto to the Soviet Union. No quid pro quo was even mentioned.

To get a perspective of what the Outer Continental Shelf and exclusive economic zone in this area, I think the panel that is up here in the committee room up to the right gives an absolutely perfect view of it. If you look in the Arctic up north of the Bering Straits, all that light shaded area is Outer Continental Shelf. It is the shallow part of the ocean.

In most parts of the United States, the shallow part of the ocean goes out maybe 5, 10 miles and drops right off. There we are looking at it extending about 200 miles north into the Arctic, and that is the area that we fear is going to be lost to the United States.

Well, as you can imagine, we considered this very disturbing news. Our group made several attempts to uncover substantive information about negotiations from the Department of State. Well, upon constant rebuff we had to begin a campaign of our own, and in that regard I want to report on our success of gathering information.

First, as to public response to this issue. The public has responded overwhelmingly in opposition to the Department of State's position. We know of at least 30,000 letters from members of the public delivered to the Department of State, with virtually unanimous disapproval of the apparent secrecy and the giveaway in progress.

Numerous organizations have become concerned and have passed resolutions of opposition, and in our testimony we present 15 organizations, nationwide ones and local ones, of all shades of opinion. As a matter of fact, just yesterday another organization sent me this entire booklet here. It is a group of the chamber of commerce of Rhode Island, especially the Newport area, which is very concerned about the implications to our petroleum, ocean export, and

transportation industries. That part of the country is suffering very much. I believe they sent copies to every member of the committee also in this respect.

Now, also considerable national and local news coverage has been given to the campaign to open up the negotiations. Editorials and articles have been published in the Wall Street Journal, the Knight-Ridder chain, Associated Press, Anchorage Times, Chicago Tribune, several front page articles along this line, and we submitted 10 of them here for the record also.

In congressional action, Members of Congress were approached to see if they would have any better success in obtaining cogent answers about the boundary negotiations. In the House, bills were introduced in successive Congresses, in the 99th, the 100th, the 101st, and with a cumulative total of approximately 60 cosponsoring Congressmen, including the Member from Alaska, Don Young.

These bills would establish in statute form the constitutional principle that a treaty would be required for the setting of a boundary line with a foreign country and the transfer of territory and seaward zones from the United States to a foreign country. We have exhibits here of those bills that were introduced.

In the Senate, S. Res. 279 in the 99th Congress and S. Res. 20 in the 101st were introduced to express the same sentiments. And further in the Senate, in the 101st Congress amendment 387 was included in the Department of State's authorization bill to require a treaty for "all agreements with the Soviet Union which relate to boundaries of the United States."

These measures were all sponsored by Senator Helms and at the time they were introduced several pages were inserted in the Congressional Record of substantiating background materials, and we have included that for the record.

Also, on the 100th anniversary of a significant congressional act, it was memorialized in the Congressional Record on September 20, 1990, by Senator Pete Wilson, then a Senator from California. On September 30 back in 1890, Congress had awarded medals to the crew members of the *U.S.S. Jeannette* for their heroic deeds in the expedition into the Arctic Ocean that resulted in discovery and bringing into the American sovereignty the heretofore undiscovered islands of Bennett, Henrietta, and Jeannette.

These three islands are collectively known as the DeLong Islands after the ship's captain, George Washington DeLong. The islands themselves are named for the expedition's cosponsor, the famous New York City Herald publisher, James Gordon Bennett, his mother Henrietta, and his sister Jeannette.

Now, in addition to these actions in Congress, the Constitution calls for the "advice and consent" by the Senate on treaties. This proposed treaty is currently in the "consent" phase and I am troubled that it appears that the Department of State made next to no effort to involve the Senate in the "advice" capacity.

The second area of concern has to do with the State and Federal constitutional crisis. All 50 State governments have a vital stake in the procedure of establishing boundaries between a State and a foreign country, and if land territory is to be ceded it would not only be at a loss to the State's sovereign territory, but it would be a loss of the State government's property in the tidelands and their other holdings.

The State of Alaska, the State government of Alaska, has never been meaningfully involved in negotiations, nor has its consent been solicited on any of its terms. These attitudes on behalf of the Department of State violate very clear precedents regarding setting boundaries between States and foreign countries.

In the famous case of Secretary of State Daniel Webster in 1842 negotiating with Great Britain over the boundary between Maine and Canada, President John Tyler and Secretary Webster required the representatives of Maine and Massachusetts, which had residual interests in the area of Maine, be involved in the negotiations and that the two State governments consent to the outcome that was obtained.

Now, at no time during the Department of State's negotiations with the Soviet Union were representatives of the State of Alaska consulted on an official basis. The Department of State represents that it occasionally gave briefings to the Alaska Governor's staff. The Department of State also represents that everything concerning the substance of its negotiations is secret, classified material. Such material cannot be divulged to anyone who lacks a proper security clearance. We are informed that for most of the decade between 1981 and 1990 no Federal security clearances were obtained for the Alaska Governor's staff or for the Governors themselves.

Now, at the State level in Alaska, upon hearing that the Navarin Basin dispute over the boundary line in 1984 was going on, Alaska State Representative Roger Jenkins with 17 cosponsors introduced their H.J. Res. 53, which urged the Department of State "to adopt a firm stance and aggressively pursue resolution of the Bering Sea boundary dispute favorable to the interests of the Government and the people of the United States." It passed unanimously in both houses and was signed by Gov. Bill Sheffield in April 1986.

When it became apparent that the Department of State was going to continue to exclude representatives from the State of Alaska from the negotiating sessions, State Senator Rick Uehling introduced S.J. Res. 12, which passed both houses unanimously and was signed by Gov. Steve Cowper in May 1988.

It asked the Department of State "to include a representative of the State, appointed by the Governor with the consent of the legislature, on all delegations that negotiate the boundaries between the State and the Soviet Union or Canada" and asked Alaska's congressional delegation to intercede in this on behalf of the State of Alaska. The Department of State never replied.

In the same session, State Senator Paul Fischer introduced S.J. Res. 61, which reiterated Alaska's sovereignty over Wrangell, Herald, Bennett, Henrietta, and Jeannette, and it passed the State Senate on a unanimous vote in February 1988.

In this regard, the State legislators in Alaska have sent, I believe, a letter here which is included in our testimony to the committee, reiterating their total opposition to the adoption of the treaty at this point and to refer it back for negotiations. I believe 36 of the current legislators signed that, both Republicans and Democrats, in the house and on the senate side. We have enclosed a copy here for the record.

Joining the controversy on the side of Alaska has been the California legislature. In September 1987, its two houses passed nearly unanimously Assembly J. Res. 37, sponsored by Assemblywoman Marian LaFollette, which supported Alaska's right to be represented on boundary negotiations and to have the power of consent over the outcome for its boundaries.

Subsequent to the submission now of this proposed boundary treaty, State Senator Don Rogers introduced in May S.J. Res. 20 to reiterate California's support for Alaska, and this is pending at this moment.

In Pennsylvania, H.R. 88, introduced in April, urges the Department of State to include Alaskan State representatives in any boundary negotiation. The measure, sponsored by Representatives George Hasay and Italo Cappabianca and Fred Serafini—the latter two are the Chairman and the Cochairman of the Pennsylvania House's Federal-State Relations Committee.

During the 1989-90 session of the Ohio legislature, S.J. Res. 1 was introduced by Senator Gary Suhadolnik to support Alaska's rights to ensure that any boundary be in the form of a treaty.

Now, third, the proposed boundary line and the giveaway, we believe, of land and seabed territory. The drawing of the proposed maritime boundary line defies rational——

Senator BIDEN. Mr. Olson.

Mr. OLSON. Yes.

Senator BIDEN. I am happy to listen to you, but you were told that you had about 3 to 5 minutes. You have gone 20 already. Can you give us an idea of how much more you are going to go?

Mr. OLSON. I am sorry. May. e about 1 or 2 minutes.

Senator BIDEN. Great.

Mr. OLSON. Our contention about the boundary line is that this boundary line is in fact going to be inextricably tied up with the sovereignty over those islands. Let me point out a couple of reasons why we believe that, if I could point to the chart here.

Senator BIDEN. Sure.

Mr. OLSON [pointing to chart]. The proposed maritime boundary line here would basically give the Soviet Union all this exclusive economic zone and Outer Continental Shelf. Well, normally when you are deciding on that you decide it from the territory of a particular country.

What this is basically doing is saying that all this territory over here [indicating] on which this is being declared is Soviet. It is in fact conceding that, and it is specifically conceding it up in this little area up here, because this arc up here in here [indicating] is drawn from Wrangell and Herald, stating, oh, this belongs to the Soviets because this is Soviet territory right now.

Senator BIDEN. That special area which the Soviets are ceding is 200 miles from Wrangel. Your argument is that, if that is the case, then obviously by implication Wrangel has been ceded by this treaty? Is that the idea?

Mr. OLSON. That is the underlying assumption that is sitting right in front of us.

Senator BIDEN. I just wanted to make sure I understood what you were saying.

Mr. OLSON. OK. Then there is one other part of this. If you read the treaty back in 1867 stating where this line is, because this line was never drawn out in the treaty, it drew a line that basically came like this [indicating], went through the Straits, and came down in this area.

But the last line of the treaty stated that all of the Aleutian Islands to the west of this line here [indicating], this meridian 167 east, this line here, belonged to the United States. So what this does is it includes Copper Island and a couple of little rocks right next to it. Well, the way the line is now being drawn it goes like this [indicating] and leaves these two on the Soviet side and asserts some territory down here based on those islands staying in Soviet hands.

Senator BIDEN. You are suggesting that the line, the 200-mile limit, is drawn from those islands? Is that the Soviet territory from which it is drawn?

Mr. OLSON. Yes. It allows this here, this Copper Island and the two rocks next to it, Sea Lion and Sea Otter Rocks, to be on the Soviet side, whereas now if you went to the 1867 treaty, the 1867 treaty said that we, the United States, were being given or sold all of the land to the west—I am sorry, to the east of this meridian here, which goes between Bering and Copper Islands. That is the literal last line of the treaty.

Senator BIDEN. Thank you.

Mr. SEIDENBERG. Excuse me. It is the last line of article 1.

Mr. OLSON. Yes, I am sorry, the description of the line.

There were a couple of other points I wanted to make in this regard. There are some very good legal arguments. There is a law journal article that is included in the record.

Second, there is a court challenge now in Federal court in Anchorage specifically on these issues that is proceeding right now. And we also have positions that are somewhat contradictory from the legal advisor's office, correspondence with the State of Alaska on this issue about our ownership, our claims, our sovereignty of these islands.

I want to make sure that these are in the record. And the last thing I want to make sure is in the record is a letter that we just recently received from Rear Adm. J. Austin Yeager, who is the Director of the Coast and Geodetic Survey. Now, part of this boundary line goes to the Bering Strait, so if I could just go back up here one more second.

It goes between Little Diomede and Big Diomede. Little Diomede is on our side and Big Diomede is on their side. They are about 2½ miles apart. In order to establish territorial seas, they are supposed to be drawn from a baseline that is based on a survey of the territory.

The head of the NOAA office that is in charge of the Coast and Geodetic Survey has written back to us as to whether or not any survey ever has been done of Little Diomede Island, and let me just give you a couple lines about that: "The National Ocean Service surveyed the Bering Strait area in 1960, but did not cover the area of the Diomede Islands. We have never performed a hydrographic survey, nor have we ever compiled a shoreline manuscript of Little Diomede Island. Determining bottom foot ice conditions would re-

quire extensive field work, which NOS has no plans to pursue at this point."

So what we are saying is that there is no data to be making a drawing of a line on our side. We believe that the line the State Department has done not only disregards that, but also draws it right through a reef of Little Diomede and gives half the reef to the Soviets.

[The prepared statement of Mr. Olson follows and other information referred to is in committee files:]

PREPARED STATEMENT OF MR. CARL OLSON

Good afternoon, Mr. Chairman. My name is Carl Olson, And I am chairman of State Department Watch. With me today is our vice chairman Mark Seidenberg. State Department Watch is a nonpartisan nonprofit foreign policy watchdog group.

Thank you very much for this opportunity to testify on the proposed U.S.-U.S.S.R. maritime boundary treaty. This is something of an historic occasion, since it is the first time that the public has had an opportunity to provide input on consideration of the content, process, and consequences of this proposed treaty. At the outset here, I would like to suggest that the committee proceed slowly since much of the material will take considerable analysis.

Our group has done extensive original research on these matters and has conducted a campaign to bring public attention and sentiment to bear. Inasmuch as this is the initial interchange of information and views, I respectfully request from the chair to have the right to respond on the record to the materials that the Department of State is providing today and to respond on the record to answers the Department of State provides to questions on these issues.

Our presentation is divided into three areas: 1. The secrecy under which this proposed treaty was negotiated. 2. The threat to constitutional principles of federal-state relations. 3. The substance of the agreement including the giveaway implications of U.S. and Alaskan territory and seabeds to the Soviet Union. Although the proposed treaty involves areas in and around Alaska, it encompasses not only the major concerns of the State of Alaska, but also the interests of every other state and person in the United States, and the sovereignty of the United States government.

I. THE SECRECY

The negotiations on this proposed treaty have been carried out in utmost secrecy for almost a decade. The public, the State of Alaska, and the Congress have been systematically excluded from any meaningful information and/or participation.

According to the Department of State, the negotiations began in 1901. It says that several rounds were held on setting a boundary line between the United States and the Soviet Union. As can be appreciated, these were always intended to be historic and unprecedented talks, since there has never been any boundary agreement between the United States and Russia or its successor government of the Soviet Union. If anything, the Department of State should have been inviting all manner of inputs over these negotiations of monumental consequence. But for reasons not yet revealed, it decided not to publicize the negotiating sessions. We never saw any news briefings on it, nor were there any typical public ceremonious events, such as we are all accustomed to for significant issues such as the START talks, Helsinki Accord discussions, and so on.

As a matter of fact, the Department of State still regards the entire series of negotiating sessions to be a deep, dark secret to be kept from public and Congressional view. It continues to refuse to divulge the dates and places of the negotiations and the names of the United States and Soviet negotiating teams.

Our group has worked diligently to try to bring this issue out into public discussion. It was only by chance that we discovered in 1984 that the negotiations had been ongoing for 3 years. There was obviously no announcement from the Department of State, but rather it was an indirect announcement by the Department of the Interior. In publishing the invitation for bids for oil and gas exploration in the Navarin Basin in the Bering Sea, the Department of the Interior admitted that it did not have a specific western boundary to the Navarin Basin and therefore any bids on these tracts were subject to cancellation. The problem was that no maritime boundary existed between the United States and Soviet Union, and that a dispute was ongoing in negotiations for setting the boundary. Along with the revelation about the existence of the talks was the startling statement of the Department of

State's position. The Federal Register on March 16, 1984, page 10065, noted, "The United States depicts the 1867 Convention line as the maritime boundary.* * *"

Two adverse consequences were immediately apparent. First, somehow the Department of State wanted to elevate the 1867 United States-Russia Convention Line from its role as a line of demarcation (indicating what territory is being ceded to the United States by Russia in 1867) into a maritime boundary. It never had been considered a boundary line in the past, and there was no reason to believe that it would be an advantageous or equitable boundary line.

The second implication was that if the entire 1867 Convention Line were to become a maritime boundary (not just the portion in the Bering Sea in the vicinity of the Navarin Basin), then it would extend due north from the Bering Straits. This would effectively cut off the American islands of Wrangell, Herald, Bennett, Henrietta, and Jeannette (which are west of that line) and the immense amount of outer continental shelf and exclusive economic zone that attaches to these land areas, and cede them de facto to the Soviet Union. No quid pro quo was even mentioned.

As you can imagine at this disturbing news, our group made several attempts to uncover substantive information about the negotiations from the Department of State. Upon constant rebuff, we began a campaign to enlist the aid of the Congress, state governments, and the public to open up the negotiating process.

Public Response

The public responded overwhelmingly in opposition to the Department of State's position. We know of at least 30,000 letters from members of the public delivered to the Department of State, with virtually unanimous disapproval of the apparent secrecy and giveaway in progress.

Numerous organizations have become concerned and have passed resolutions of opposition. Included are the Veterans of Foreign Wars, the American Legion (Department of California), the National Society of the Daughters of the American Revolution, the Military Order of the World Wars, the Ohio Society of the Colonial Dames XVIIth Century, the California Republican Party, the California Republican Assembly (two resolutions), the Los Angeles County Federation of Republican Women, the Women's Republican Club of Grosse Pointe (Michigan), the California Federation of Women's Clubs, the Legislative Research Associates (Springfield, IL), and Young Americans for Freedom. (Exhibits 1-15)

Considerable national and local news coverage has been given to the campaign to open up the negotiations. Editorials and articles have been in the Wall Street Journal, Knight-Ridder chain, Associated Press, Anchorage Times, Chicago Tribune, etc. (Exhibits 16-26)

Congressional Action

Members of Congress were approached to see if they would have any better success with obtaining cogent answers about the boundary negotiations. When their inquiries were either ignored or incompletely answered, it became necessary to take legislative action. One constitutional threat to Congress was the fear that the Department of State would circumvent Congress by attempting to make a maritime boundary in the form of an executive agreement, rather than in a proposed treaty. No indication was forthcoming that the intended outcome of the negotiations would be in the form of a treaty.

In the House, bills were introduced in successive Congresses (H.R. 3766 in the 99th Congress sponsored by Mark Siljander (R-Michigan), H.R. 341 in the 100th Congress sponsored by William Dannemeyer (R-California), and H.R. 2383 in the 101st Congress sponsored by Dan Burton (R-Indiana)) with a cumulative total of approximately 60 cosponsoring Congressmen (including the member from Alaska Don Young). The bills would establish in statute form the constitutional principle that a treaty would be required for the setting of a boundary line with a foreign country and the transfer of territory and seaward zones from the United States to a foreign country. (Exhibits 27-28)

In the Senate, S. Res. 279 in the 99th Congress and S. Res. 20 in the 101st Congress were introduced to express the necessity for a treaty in any transfer of territory or seaward zones to a foreign government (specifically noting Wrangell, Herald, Bennett, Jeannette, and Henrietta Islands). Further in the Senate in the 101st Congress, amendment 387 was included in the Department of State's authorization bill to require a treaty for "all agreements with the Soviet Union which relate to boundaries of the United States." These measures were all sponsored by Senator Jesse Helms (R-North Carolina). Extensive background appears in the Congressional Record for Dec. 18, 1985 (pp. S 18002-18021), Jan. 25, 1989 (pp. S 779-787), and July 20, 1989 (pp. S 8438-8447). (Exhibits 29-32)

The 100th anniversary of a significant Congressional act was memorialized in the Congressional Record of September 20, 1990 by Senator Pete Wilson (R-California). On September 30, 1890, Congress awarded medals to the crew members of U.S.S. Jeannette for their heroic deeds on the expedition into the Arctic Ocean that resulted in the discovery and bringing into American sovereignty the heretofore undiscovered Bennett, Henrietta, and Jeannette Islands. (They are collectively named the DeLong Islands after the ship's captain Lt. George Washington DeLong. The islands are named for the expedition's cosponsor, the famous New York City Herald publisher James Gordon Bennett, his mother Henrietta, and his sister Jeannette.) (Exhibits 33-35)

The constitution calls for the "advice and consent" by the Senate on treaties. This proposed treaty is currently in the "consent" phase. I am troubled that it appears that the Department of State made next to no effort to involve the Senate in its "advice" capacity. If any advice were sought, it was neither extensive nor well publicized. As such, I would suggest that the current form of the proposed treaty is premature.

II. STATE-FEDERAL CONSTITUTIONAL CRISIS

All 50 state governments have a vital stake in the procedure of establishing boundaries between a state and a foreign country. Moreover, if land territory is to be ceded, it not only would be a loss of a state's sovereign territory, but it would be a loss of a state government's property in the tidelands and other holdings.

The State of Alaska has never been meaningfully involved in the negotiations, nor has its consent been solicited on any of the terms. These attitudes on behalf of the Department of State violate very clear precedents regarding setting boundaries between states and foreign countries. In the famous case of Secretary of State Daniel Webster in 1842 negotiating with Great Britain over the boundary between Maine and Canada, President John Tyler and Secretary Webster required that representatives of Maine and Massachusetts (which had a residual interest in the area of Maine) to be involved in the negotiations and that the two state governments' consent to the outcome be obtained. (Exhibit 36)

At no time during the Department of State's negotiations with the Soviet Union were representatives of the State of Alaska consulted on an official basis. The Department of State represents that it occasionally gave briefings to the Alaska governor's staff. The Department of State also represents that everything concerning the substance of its negotiations is secret classified material. Such material cannot be divulged to anyone who lacks a proper security clearance. We are informed that for most of the decade from 1981 to 1990, no federal security clearances were obtained for the Alaska governor's staff and for the governors themselves.

(As an indication of the forcefulness with which the Department of State guards classified materials, an incident regarding our organization should be mentioned, inasmuch as it deals with the Alaska governor's office. Our group had made an inquiry to the Department of State with regard to the briefings that the Department of State said it had given in late 1987 to the Alaska governor's staff. Immediately the Legal Adviser's office tasked the FBI to raid the residence of our vice chairman Mr. Seidenberg looking for classified material. Mr. Seidenberg suffered the indignity of being detained without cause, without any charges pressed, and without being allowed to contact his attorney.) (Exhibit 37)

Upon hearing of the Navarin Basin dispute over the boundary line in 1984, Alaska State Representative Roger Jenkins (R-Anchorage) with 17 cosponsors introduced H.J. Res. 53 which urged the Department of State "to adopt a firm stance and aggressively pursue a resolution of the Bering Sea Boundary dispute favorable to the interests of the government and the people of the United States." It passed unanimously in both houses and was signed by Gov. Bill Sheffield in April 1986. (Exhibit 38)

When it became apparent that the Department of State was going to continue to exclude representatives from the State of Alaska from the negotiating sessions, State Senator Rick Uehling (R-Anchorage) introduced S.J. Res. 12 which passed both houses unanimously and was signed by Governor Steve Cowper in May 1988. It asked the Department of State "to include a representative of the state, appointed by the governor with the consent of the legislature, on all delegations that negotiate the boundaries between the state and the Soviet Union or Canada"; and asked Alaska's congressional delegation to intercede in this on behalf of the State of Alaska. The Department of State never replied. (Exhibit 39)

In the same session, State Senator Paul Fischer (R-Soldotna) introduced S.J. Res. 61, which reiterated Alaska's sovereignty over Wrangell, Herald, Bennett, Henrietta, and Jeannette Islands. It passed the Senate on a unanimous vote in February 1988. (Exhibit 40)

Joining the controversy on the side of Alaska has been the California Legislature. In September 1987 its two houses passed nearly unanimously Assembly J. Res. 37 sponsored by Assemblywoman Marian LaFollette (R-Northridge), which supported Alaska's right to be represented on boundary negotiations and to have the power of consent over the outcome for its boundaries. Subsequent to the submission of the proposed maritime boundary treaty, State Senator Don Rogers (R-Bakersfield) introduced in May 1991 S.J. Res. 20 to reiterate California's support for Alaska and to ask that the proposed treaty either be withdrawn or to be rejected by the Senate until such time as Alaska has been properly involved. This measure is pending. (Exhibits 41-42)

In Pennsylvania, H. Res. 88, introduced in April 1991, urges the Department of State to include Alaskan state representatives in any boundary negotiations. The measure, sponsored by Representatives George Hasay (R-Wilkes Barre), Italo Cappabianca (D-Erie), and Frank Serafini (R-Lackawanna), is pending. (Exhibit 43)

During the 1989-90 session of the Ohio legislature, S.J. Res. 1 was introduced by Senator Gary Suhadolnik (R-Akron) to support Alaska's rights and to ensure that any boundary be in the form of a treaty. (Exhibit 44)

III. THE PROPOSED BOUNDARY LINE AND THE GIVEAWAY OF LAND AND SEABED TERRITORY

The drawing of the proposed maritime boundary line defies rational assertion of America's best interests. It concedes just about everything to the Soviets. There is no quid pro quo.

The proposed treaty is defective in three areas: 1. It wrongfully elevates a version of the old 1867 Convention Line into a boundary line. 2. It places on the Soviet side several Alaskan islands and vast seabeds with enormous resource potential. 3. It gives the Soviets "sovereign rights and jurisdiction" over U.S. territory.

1. Erroneous Use of 1867 United States-Russia Convention Line

The proposed treaty starts out in Article I by elevating the old 1867 Convention Line into the proposed maritime boundary. "The Parties agree that the line described as the 'western limit' in Article I of the 1867 Convention, as defined in Article 2 of this Agreement, is the maritime boundary between the United States and the Soviet Union."

The version of the 1867 line, as defined in Article 2, is at best a tortured depiction. Included in the concessions is the deviation from the arc of a great circle in the Bering Sea (i.e. the normal shortest distance measurement on the globe) toward the Soviet-demanded "rhumb line" depiction (which gives the Soviets several thousand more square miles on their side of this thousand-mile line).

It should be realized that the 1867 line never was a boundary line. It was merely a line of demarcation to define what territory was being sold to the United States by Russia. It never touches land anywhere. Countries did not divide up oceans and seabeds in those days, and no language in the 1867 Convention even hints at it being some sort of boundary line. Unfortunately, many mapmakers have printed on their maps showing the 1867 line with the word U.S.S.R. on one side and U.S. on the other, erroneously implying that this is a boundary.

This practice was so widespread that even the Geographer of the Department of State issued Boundary Study #14 in 1965 on the "U.S.-Russia Convention Line of 1867" with the following clarifications: "Rather than a boundary line *per se*, this report concerns a convention line." * * * Furthermore, in keeping with the policy that the line does not constitute a boundary, the standard symbol for the representation of an international boundary should never be used." (Exhibit 45)

Authoritative Dr. William E. Butler, Dean of the Faculty of Law at University College in London, wrote in 1978 in *International Straits of the World*, "The Russo-American Convention Line of 1867 is not regarded as a state frontier, and the continental shelf boundary in the Chukchi Sea and northward remain to be negotiated."

Arbitrarily using the 1867 line has meant that the Department of State is ignoring the basic principle of equidistance in dividing up the seabeds, is ignoring the value of the seabed resources to the United States, and is ignoring the history of American acquisition of considerable territory west of the 1867 Convention line in the Arctic subsequent to 1867.

2. Surrender of Several Alaskan Islands

In 1867 the Russians did not own the Arctic islands of Wrangell, Herald, Bennett, Jeannette, and Henrietta. They had never even set foot on any of them. Moreover, the United States made no agreement explicitly or implicitly in 1867 to avoid or

renounce any subsequent territory acquired in the Arctic west of the 1867 Convention line.

Some of the most heroic and adventuresome episodes of American history brought these islands into American sovereignty.

Wrangell Island is the largest of the five. At approximately 2,800 square miles, it is equal to Rhode Island and Delaware combined. It was first landed on by the crew of the U.S. Revenue Marine ship Thomas Corwin, commanded by Captain Calvin Leighton Hooper, on August 12, 1881. (The Revenue Marine was the predecessor of the current day Coast Guard.) The Treasury Department effectively administered Alaska at that time, and that made Captain Hooper the de facto governor. Hooper described the discovery in a report printed by the U.S. Senate.

Following prolonged battles with close-packed icebergs in the Arctic 80 miles north of the mainland, Hooper recorded, "At 7.30 we reached the open space and dropped anchor within a cable's length of the land in 5 fathoms of water. We immediately landed and, raising the American flag, took possession in the name of the United States of America.* * * At 9.30 a.m., being unable to maintain our position any longer, a gun was fired to recall the parties sent out to explore the cliffs in search of cairns or other signs of human life, and we began to work out towards the lead, which we reached at 11 a.m. We left the American flag flying and also a record of our visit.* * * Upon taking possession of the land in the name of the United States, the name New Columbia was provisionally given to it. The provision being the approval and concurrence of that portion of the Government having the authority to issue charts, etc., the decision of that body was adverse to my suggestion, and by its action I cheerfully abide not only on account of its undoubted right to decide according to its own judgment in this and all other matters over which it has jurisdiction, but because the size of the island, as now known, does not justify the bestowal of a name of this character, the name of one of the early Arctic navigators being much more appropriate." (Exhibits 46-47)

Another distinguished authority confirms this account. Professor John Muir, the famous explorer and naturalist, was aboard the landing party onto Wrangell. In his book *The Cruise of the Corwin*, Muir writes glowingly, "A notable addition was made to the national domain when Captain Calvin L. Hooper landed on Wrangell Land, and took formal possession of it in the name of the United States. We landed near the southeast cape, at the mouth of a river, in latitude 71 degrees 4', longitude 177 degrees 40'30" W." The text has illustrations of the landing party and the U.S. flag flying over this new part of America. (Exhibit 48)

Two weeks later, U.S.S. Rogers landed at Wrangell and conducted a complete official survey ending on September 13. One party proceeded overland to the mountains, and the other found the cairn left by the Corwin. This Navy crew also raised the American flag over Wrangell.

As can be appreciated, being so far north in the icepack, Wrangell was rather remote for settlement. Nevertheless, various U.S. parties utilized Wrangell over the years, and in 1924 the Lomen Brothers of Nome, AK, took over the settlement it had bought from Vilhjalmur Steffanson. Unfortunately, on August 20, 1924, the Soviet government sent the gunboat Red October to Wrangell, armed with a 6-pound cannon and a company of Soviet infantry. In an act of war, they attacked the settlement, chopped down the American flag pole, confiscated all the possessions, and shanghaied the 14 Americans off to Siberia. Two died in the process, and the remaining 12 were eventually released by the Soviets. The process of release was made more difficult by the fact that the United States did not maintain any diplomatic relations with the Bolshevik government; it continued to recognize the Russian government in exile until 1933. (Exhibits 49-50)

A memorandum by the Solicitor of the Department of State on November 25, 1924, pointed out, "* * * so far as the (1867) treaty is concerned, it would appear that the United States would not be prevented from preferring a claim to Wrangel Island if it so desired." (Exhibit 51) The authoritative *Digest of International Law* by Green Haywood Haywood Hackworth in 1973 made this unequivocal statement: "The United States has not relinquished its claim to Wrangell Island."

Military conquest is not a recognized or acceptable method of transferring sovereignty from one civilized country to another. The United States does not recognize this method as legitimate, and in this case it would be an unprecedented embarrassment. It would be the only territory lost by the United States to military conquest by a foreign government. As a matter of fact, the Department of State ought to initiate a negotiation process to end the military hostilities that continue with the Soviet occupation of Wrangell.

Bennett, Henrietta, and Jeannette Islands (DeLong Islands) became part of the United States in 1881 as a result of the famous expedition of U.S.S. Jeannette, a joint venture of the U.S. Navy and the New York City Herald publisher James Gordon Bennett. Commanded by Lt. George Washington DeLong, U.S.S. Jeannette entered the Arctic Ocean in 1879 in search of the North Pole and Northwest Passage. To the northeast of Wrangell Island it got trapped in the ice, and it drifted with the icepack to the northwest for 2 years. It came across Bennett, Henrietta, and Jeannette Islands and took possession in 1881 in the name of the United States. Unfortunately, at this point the ship was finally crushed in the ice, and the crew had to head south in lifeboats across about 200 miles of ice and open water. About half the crew returned safely. A famous large monument with icicles stands at the U.S. Naval Academy at Annapolis, and the U.S. Congress awarded the crew with special medals. The book *Icebound* published by the Naval Institute Press gives a terrific account. (Exhibit 52)

Little Diomede Island in the Bering Strait is in danger by the way the Department of State has drawn the proposed boundary. The proposed boundary runs north and south through the middle of the western reef of the island. The determination of the geographic baseline around Little Diomede is especially important to the tidelands that the State of Alaska has there. Unfortunately, we understand that no survey has yet established the baseline, including the requisite study of the ice attaching onto the island. Thus, it would appear that the drawing of the proposed boundary was done in disregard of any actual U.S. territorial measurement. (Exhibit 53)

Copper Island, Sea Lion Rock, and Sea Otter Rock are at the western end of the Aleutian chain, lying east of the 167 East (or 193 West) longitude meridian line. In the treaty ceding Alaska to the United States, the last clause in Article I which describes the territory being sold to the United States, says all the islands east of the 193 West meridian are being conveyed to the United States. That particular meridian seems to have been chosen since it clearly runs between Copper Island and Bering Island (which remained as Russian territory). (Exhibit 54)

3. Soviets to Exercise "Sovereign Rights and Jurisdiction" Within the United States

The proposed treaty in Article 3 specifies a "western special area" of U.S. territory, and then states "the United States agrees that henceforth the Soviet Union may exercise the sovereign rights and jurisdiction derived from exclusive economic zone jurisdiction that the United States would otherwise be entitled to exercise.* * *"

Other than embassy property, no foreign government is ever allowed to exercise sovereign rights and jurisdiction within the United States. There is no compelling need to allow an exception here. To do so would require the passage of revolutionary enabling legislation by the House and Senate. Perhaps it would be better to redraw the boundary lines around these "special zones" so as to leave them on the side of the line which would receive them anyway.

Opposition to Proposed Treaty by State Legislators

In contemplation of this hearing, 36 members of the Alaska legislature (Republicans and Democrats of both houses) have written their opposition to the proposed treaty. In part, the letter states, "We firmly believe United States interests and Alaskan interests are at stake and in jeopardy in the proposed treaty.* * * No Alaskan official has ever been invited to participate in the treaty negotiations, in spite of abiding Alaskan interests in fisheries, petroleum, and other potential continental shelf resources and the considerations of navigation in the area. In the entire history of the treaty negotiations, Alaska has had no official voice. Alaska has not been officially consulted in the entire matter.* * * It is our purpose to urgently recommend that the presently-proposed treaty not be ratified by the U.S. Senate, and that negotiations be continued to include appropriate Alaskan officials and current United States and Alaskan historic, territorial and resource interests." (Exhibit 58)

Support for State of Alaska by State of California

In contemplation of this hearing, State Senator Don Rogers and State Assemblywoman Paula Boland have written their support for the rights of Alaska and all states. Senator Rogers is the sponsor of the pending S.J. Res. 20, which reiterates the California Legislature's support for the rights of Alaska and all states in negotiations over the state's territory and/or boundaries. (Exhibits 59 and 60)

Law Journal Article on Wrangell Island

A good law journal article on asserting the maximum American position on Wrangell Island was published in 1981. It was just coincidental that this was the same year as the beginning of the negotiations, inasmuch as the author Don Eric

Salom and the rest of the American public were kept completely in the dark about the negotiations for the entire series of negotiations. (Exhibit 61)

Court Challenge to Prospective Giveaway of Five Islands

A federal court challenge has been mounted in Alaska by R.M. Christiansen to prevent the impending giveaway of the five Alaskan Arctic islands. To quote the most recent court order filed May 23, 1991, "The complaint seeks injunctive relief and a declaratory judgment declaring null and void an agreement signed June 1, 1990, by James Baker and Foreign Minister Eduard A. Shevardnadze on behalf of the United States and the Soviet Union, respectively, under the terms of which the United States surrenders any claim it may have to the Wrangell, Herald, Bennett, Henrietta and Jeannette Islands in the Arctic Ocean and fixes an ocean boundary between the two nations. Plaintiff further asks this Court to declare the ownership of the aforementioned islands, their seabeds, natural resources and sovereign limits." The order goes on, "In a separate pretrial motion for preliminary injunction, Plaintiff seeks a preliminary (temporary) injunction halting any further action either Executive or Legislative until this matter is decided by the Court."

In the interests of the Congress, the order continues, "As grounds for his complaint Plaintiff alleges that the Executive branch of the U.S. Government does not possess the authority to divest the United States of its property and that the agreement therefore is repugnant to the U.S. Constitution under Article IV, Section 3, Clause 2 which provides: 'The Congress shall have the power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States.' * * *'"

This court action is a very important proceeding, and it may be well worth holding off on any action on the proposed treaty until the Federal Court has had a chance to make rulings in the case. (Exhibit 62)

Position of U.S. Department of State Concerning Wrangell Island

In 1975 the Department of State's Assistant Legal Adviser for European Affairs made very plain and cogent representations regarding Wrangell Island. The noteworthy positions included the following: "The United States has never had occasion to formally recognize Soviet ownership of Wrangel Island and early Soviet claims based on a sector principle in the Arctic were rejected. The United States, however, has long adopted the practice of dealing with authorities in *de facto* control of territory, and we do not consider that scientific cooperative activities with the U.S.S.R. with respect to Wrangel necessarily import any recognition of legal status." (Exhibit 63)

Previous Attempt to Turn Over Alaskan Land and Oil to Foreign Country

Revelations have come to light about a previous attempt by the Department of State to trade off a part of Alaska. According to the Associated Press story, "Americans might be buying much of their oil from Denmark if a plan to trade parts of Alaska for military sites in Greenland had been approved after World War II. The proposed swap came to light in newly discovered documents in the National Archives that also showed the United States proposed in 1946 to buy the entire arctic island from the Danes.* * * One alternative that was discussed was for the United States to trade land in the Point Barrow district of Alaska for those portions of Greenland that the United States considered of military value. Under this plan, the Danes would have received the rights to any oil discovered in the district and would have had to sell the oil to the United States. The richest oil strike in U.S. history was made in 1967 in the Prudhoe Bay area, 200 miles east of Point Barrow. The Point Barrow area now is part of the National Petroleum Reserve, which is reserved for national defense." This is a lesson from history that America's oil resources should be protected better, especially in today's world aftermath of a $50 billion military effort in the Persian Gulf to secure control over worldwide petroleum supplies. (Exhibit 64)

Lack of Coastal Baseline Survey for Little Diomede Island

In order to determine a proper measurement of the boundary of Alaska around Little Diomede Island, including tidelands and the territorial sea, a thorough survey would have to have been done. According to a letter from Rear Adm. J. Austin Yeager, Director of the Coast and Geodetic Survey, National Oceanographic and Atmospheric Administration, "The National Ocean Service (NOS) surveyed the Bering Strait area in 1960, but did not cover the area of the Diomede Islands. We have never performed a hydrographic survey, nor have we never compiled a shoreline manuscript of Little Diomede Island. * * * Determining bottom foot ice conditions would require extensive field work which NOS has no plans to pursue." (Exhibit 65)

Recommendations

The Senate should gather more information regarding the circumstances and consequences surrounding the proposed treaty. Toward that end, we are submitting several questions that we request this committee direct to the Department of State. (Exhibit 57)

The proposed treaty should be referred back to the President and the Department of State for considerable revision of content and process:

1. More study of the oil, gas, fishery, and other resource potential should be made so that an adequate economic assessment can be made of the exclusive economic zone and outer continental shelf. As an indication of the oil potential in the area, consider these statistics: Four major oil companies (Shell, Amoco, ARCO, and Unocal) were willing to pay over $108,000,000 for the rights to explore in the blocks along the western edge of the Navarin E in where the proposed maritime boundary will run. In the Chukchi Sea north of the Bering Strait adjacent to the proposed maritime boundary, the Department of the Interior estimates that between 430 million and 3.54 billion barrels of oil will be found. (Exhibits 55-56)
2. The State of Alaska must be represented in the negotiations that affect its territory and its boundaries, and its consent must be obtained for same.
3. The Department of State must involve the Senate every step of the way as part of the "advice" requirement for a treaty.
4. The Department of State should be encouraged to assert the maximum sovereignty for Wrangell, Herald, Bennett, Henrietta, Jeannette, Little Diomede, and Copper Islands and Sea Lion Rock and Sea Otter Rock. It should not accede to any military incursion.
5. If any of these islands are ceded de facto or de jure to the Soviet Union, then adequate provision should be made for just compensation for this unprecedented taking of property.
6. The Department of State should be requested to prepare a definitive statement on how it decides on what territory the United States has sovereignty over. The current process is not now codified and is an uncoordinated assemblage that is subject to uncertain results

Thank you very much, Mr. Chairman, for this opportunity to present our preliminary views on these matters. We look forward to a continuing dialogue and a favorable outcome for the American public's interest

COMMENTS REGARDING TESTIMONY OF THE LEGAL ADVISER TO THE U.S. DEPARTMENT OF STATE

1. On page 4, Mr. Williamson asseverated "As you probably know, in 1867 the United States purchased Alaska (sic.) from the Emperor of Russia (sic.)."

This statement is not correct in both fact and law. Even though the Department of State titled the Convention of Washington 1867 on Bevans (our exhibit 54) as "Cession of Alaska", the word Alaska does not appear in that convention. By Article I "the Emperor of all the Russias" ceded to the United States on June 20, 1867 "all the territory and dominion now possessed by his said Majesty on the continent of America and in the adjacent islands."

The western limit by this convention conveyed to the United States, from Russia, "the whole of the Aleutian islands east of that (193 degree west longitude) meridian." The term Aleutian islands as used in this convention was a term of art.

The only Aleutian islands west of the 193 degree west longitude we are aware of is Bering Island and maybe a couplet of islets. The Solicitor of the Department of State by "MEMORANDUM" dated November 25, 1924, stated "that the United States on its part entered into no commitment which could be interpreted as an undertaking not to press claims to any land west of the particular line above described." (see our exhibit 51)

The term "Alaska" was proposed in 1867 for official acceptance by William Henry Seward, U.S. Secretary of State, the Hon. Charles Sumner, Chairman of the Senate Foreign Relations Committee, and by Maj. Gen. Henry Wager Halleck, U.S.A., in command of the military division of the Pacific. There is controversy over which of these three men proposed the name "Alaska" first. For a comprehensive analysis of the origin of the name "Alaska" and the controversy, read G.R. Stewart, "The name Alaska", *Names*, v. 4, no. 4, p. 193-260. (1956).

During the stewardship of Capt. Adolph Karlovich Etolin, IRN, the Russian American Company reorganized the western Aleutian Islands into six districts from the one district named "Athka". Two of these six districts where Bering and Copper.

The 193 degree west longitudinal meridian separated those districts. Capt. Etolin was governor of the Russian American colonies from 1841-1845. Capt. Etolin a Finn in the Imperial Russian Navy was the last Russian administrator over its mainland holdings in California. On December 20, 1841, Petr Kostromitinov (Etolin's subordinate agent) of the Russian American Company sold the mainland California lands to John Augustus Sutter. Therefore, Russian lands on islands west of the California coast remained with the Russian American Company. Note these California islands were not included in the cession because they where south of the 51 degree north latitude (57 degree north latitude was the northern limit of the Aleutian islands) the southern limit of the Aleutian Islands. See P.A. Tikhmenev, *History of Russian American Company*, Seattle: University of Washington Press, 1978.

The legal advisor errored in his use of tsarist title. He gave the title as "Emperor of Russia" (sic.). The form of title should be *Emperor of all the Russias.*

After the 1721 Peace of Nystadt, Chancellor G.I. Golovkin, in the name of the senate and state officials, presented Peter with the title "Emperor of all the Russias". In Germany a series of publications appeared proving the unfoundedness of the claim of Russian tsar. The following are some of those works:

F.L. Berger, Politisches Bedencken uber die Frage: Ob der kayserliche Titul und Nahmen, ohnbeschadet kayserl: Maj. und des röm. Reiches allerhochsten Würde * * *
dem Czaaren von Russland communiciret werden konne? * * * Fernere grundliche Untersuchung der russischen Praetension
auf Beylegung des kayserlichen Tituls, ingleichen auf das orientalische oder griechische Kayserthum, verfertiget von dem Auctore des politischen Bedenckens (Leipzig, 1722), 68 pp.

M. Schmeizel, Oratio inauguralis de titulo imperatoris, quem Tzaaru russorum sibi dari practendit (Jena, Sumptibus Auctoris, (1722)), 69 pp.

E. Otto, Tractatio iuris gentium de titulo Imperatoris Russorum. Vom Titul des russischen Kaysers, rev. edition (Magdeburg, I.C. Hendelii, 1724), 80 pp.

Jacob Paul von Gundling (1673-1731) wrote to the order of the Russian government a refutation of those arguments published at Riga in 1724. See the following:

J.P. von Gunding, Bestard des russischen kaysertitels, worbey der von Kayser Maximilian dem Ersten 1514 den 4 augusti zu Brundenach geschlossene alliantztractat gegen alle bissher gemachte nichtige einwürffe vertheidiget wird (Riga, 1724) 28 pp.

An account of these two arguments is covered in;

J. Rousset de Missy, Les interets presens et les pretensions des depuis ceux d'Utrecht inclusivement, et sur les preuves
de leurs droits particuliers, augmentéz d'un supplement de diverses prétensions, entre autres de celles du Roi de Prusse sur la Silésie etc. (3rd edition; The Hague, Adrien Moetjens, 1741), 1, pp. 516-520.

2. On page 4, Williamson further asseverated "At that (1867) time; the maritime jurisdiction of a coastal state over territorial sea and continental shelf was limited to one marine league (approximately 3 nautical miles)."

This statement too is not correct in both fact and law. There had been no international agreement on limiting the maritime jurisdiction of a coastal state over territorial sea and continental shelf to one marine league, now or at any time period covered by the above asseveration.

Even though it has been a keystone of American foreign policy since, 1793, the U.S. Government has not always been consistent with the 3 nautical mile view. For example on June 25, 1868 Congress approved a 3-league boundary for Florida (25 Fla. Stats. Ann. 411, 413) See *United States* vs. *Florida*, 363 U.S. 121, 123 (1960).

For the Russian view on the subject read:

Ignatii Ioakinfovich Ivanovskii, O pravakh Danii na Zundskii i Bel'tskii prolivy, preimushchestvenno v otnoshenii sobiraniia poshlin (Spb., n.p. 1848), 31 pp.

Comments on the U.S.-U.S.S.R. Maritime Boundary Agreement

1. *Failure of U.S.S.R. to Ratify the Agreement for Over a Year*

On page 3 of the testimony of Legal Advisor Edwin D. Williamson is the statement: "I would also like to emphasize that our prompt ratification of the agreement could facilitate early Soviet ratification of the agreement.* * * "

It would be worthwhile to find out what opposition has arisen in the Soviet Union to this agreement and why it has become such a low priority that no ratification has been forthcoming in over a year since the signing on June 1, 1990.

2. *Legitimacy and Substance of the 1977 U.S.-U.S.S.R. Maritime Boundary Agreement*

On page 5 of the testimony of Edwin D. Williamson is the statement: "In early 1977, the United States proposed that the two sides agree to respect treaties in force between them, in particular the 1867 Convention, in establishing their respective 200 mile zones. The Soviet government agreed.* * * "

This is a significant revelation about a heretofore undisclosed 1977 U.S.-U.S.S.R. maritime boundary agreement. It must be presumed that this agreement is currently operative and carries the force of law. I strongly suggest that the following be made a part of this hearing record: 1. the full text of any documents by which the U.S. made the proposal in 1977, and any discussion papers and legal opinions leading up to the proposal; 2. the full text of any documents by which the Soviet government agreed to the proposal; 3. any documents by which any terms of the agreement were implemented; 4. any legal opinions rendered regarding interpretation, application, or other aspect of the agreement; 5. any documents showing any modification of the agreement; and 6. any documents showing any rescission, revocation, or termination of the agreement.

3. *Cession of Sovereignty Over Several Alaskan/U.S. Islands*

On page 9 of the testimony of Edwin D. Williamson is the statement: "There are allegations that this agreement gives away five Arctic islands to the Soviet Union. This allegation is simply incorrect. The agreement is a maritime boundary agreement. It does not recognize Soviet sovereignty over those islands."

First of all, it should be understood that the five islands referred to are the American Alaskan Arctic islands of Wrangell, Herald, Bennett, Jeannette, and Henrietta. In addition to these, other Alaskan islands are being given away. A portion of Little Diomede Island is being given away by drawing the boundary line north and south through the middle of the southwestern reef of Little Diomede, thus putting part of the reef on the Soviet side. Moreover, the westernmost Alaskan Aleutian chain is being given away by placing Copper Island, Sea Lion Rock, and Sea Otter Rock on the Soviet side.

The proposed maritime boundary agreement speaks of recognizing the sovereign rights and jurisdiction of each government with regard to fishery zones, exclusive economic zones, and outer continental shelves. Such rights attach solely and exclusive from the sea coastline of sovereign land—to the seaward from which these zones and areas are measured. Recognizing the sovereignty of a government over these zones and areas directly concedes that such government obtained them by right of sovereignty to the land territory. The only other possibility would be that a government obtained such rights by cession from some other government.

If the proposed maritime boundary agreement indeed does not recognize Soviet sovereignty over any of these islands, but does recognize Soviet sovereignty over the zones and areas extending from them, then such a significant proviso must be explicitly included in the agreement. Otherwise, the plain and presumptive interpretation of the agreement would be that the U.S. is indeed abandoning and surrendering any sovereign rights it had to these islands.

4. *Immediate Property Loss by State of Alaska Under the Agreement*

This proposed maritime boundary agreement would bind the United States to accept Soviet sovereignty and ownership of the fishery zones, exclusive economic zones, and outer continental shelf from all these islands. As such, this agreement would constitute an immediate taking of considerable property of the State of Alaska. Under the Submerged Lands Act of 1953, states have property rights to all submerged lands up to 3 miles from the coastlines. The fishery zones, EEZ, and OCS also begin at the same coastlines. Thus, all of the submerged lands belonging to Alaska around these islands (amounting to hundreds of square miles) will have been taken from the State of Alaska and ceded to the Soviet Union by the U.S. government. The State of Alaska would be immediately entitled to just compensation for these submerged lands, which are understood to be rich in hydrocarbon and other resources.

5. *Warnings of Legal Consequences of Policy of Using the 1867 U.S.-Russia Convention Line as a Boundary*

Because of the unprecedented nature and immense consequences of the boundary setting policy, there have been times that legal warnings have been issued to the

U.S. federal government about possible civil and criminal offenses being committed and the possible financial liability being assumed by the federal government by taking property. (Exhibits 66-69)

LIST OF EXHIBITS

1. Resolution of National Convention of the Veterans of Foreign Wars, August 1980
2. Resolution of Post 2238 of the Veterans of Foreign Wars, Shreveport, LA, March 1988
3. Resolution of District 12 of the Veterans of Foreign Wars, Mansfield, LA, April 1988
4. Resolution of the American Legion (California Department) June 1987
5. Resolution of the Continental Congress of the National Society, Daughters of the American Revolution, April 1985
6. Resolution of the Midwinter General Staff Meeting of the Military Order of the World Wars, January 1985
7. Resolution of the Ohio Society of the Colonial Dames XVIIth Century
8. Resolution of the California Republican Party Convention, September 1987
9. Resolution of the California Republican Assembly Board Meeting, January 1987
10. Resolution of the California Republican Assembly Convention, March 1987
11. Resolution of the Los Angeles County Federation of Republican Women, February 1989
12. Resolution of the Women's Republican Club of Grosse Pointe (Michigan), March 1987
13. Resolution of the California Federation of Women's Clubs, May 1988
14. Resolution of the Legislative Research Associates (Springfield, IL), September 1986
15. Resolution of the Young Americans for Freedom National Convention, August 1985
16. Wall Street Journal editorial "Border Dispute", November 13, 1985
17. Wall Street Journal letter to the editor from Senator Frank H. Murkowski, December 2, 1985
18. Miami Herald article "Oil deposits shift Cold War to drab, icy Arctic islands", March 26, 1986 (comments by Senator Ted Stevens)
19. Wall Street Journal article "Crusade to Reclaim Arctic Island for U.S. May End at Summit", December 7, 1987
20. Washington Times article "U.S. to resume talks with Soviets over 5 islands; Alaska unhappy", March 2, 1988
21. Detroit Free Press article "Longtime dispute over Arctic proves an island unto itself", February 1, 1989
22. San Diego Union article "Concern shown on possible giveaway of isles to Soviets", January 28, 1989
23. Chicago Tribune article "Teacher fights U.S. 'giveaway' of island", March 3, 1989
24. Houston Post article "Teacher wants U.S. to claim islands", September 9, 1990
25. Bismarck Tribune column "Soviets may be snookering us out of an oil field", September 19, 1990
26. Chico (Calif.) Enterprise-Record opinion article "Giveaway or good deal?", March 24, 1991
27. Bill H.R. 341, 100th Congress
28. Bill H.R. 2383, 101st Congress
29. S. Res. 20, 101st Congress
30. Numerous background materials upon introduction of S. Res. 279, Congressional Record, December 18, 1985, pp. S 18002-18021
31. Numerous background materials upon introduction of S. Res. 20, Congressional Record, January 25, 1989, pp. S 779-787
32. Numerous background materials upon introduction of Amendment 387, Congressional Record, July 20, 1989, pp. S 8438-8447
33. Statement by Senator Pete Wilson on "The 100th Anniversary of the U.S.S. Jeannette Arctic Expedition", Congressional Record, September 20, 1990
34. Congressional medal for U.S.S. Jeannette crew (front)
35. Congressional medal for U.S.S. Jeannette crew (reverse)
36. "The Northeastern Boundary Negotiations", *Treaties and Other International Acts of the United States of America*, Volume 4

37. Wall Street Journal article "Crusader for Island in Soviet Union Says the FBI Paid a Visit", December 11, 1987
38. Alaska H.J. Res. 53, 14th Legislature
39. Alaska S.J. Res. 12, 15th Legislature
40. Alaska S.J. Res. 61, 15th Legislature
41. California Assembly J. Res. 37, 1987
42. California S.J. Res. 20, 1991
43. Pennsylvania H. Res. 88, 1991
44. Ohio S.J. Res. 1, 1989-1990 Regular Session
45. International Boundary Study #14 (revised) "U.S.-Russia Convention Line of 1867," The Geographer, U.S. Department of State
46. "Report of the Cruise of the U.S. Revenue Marine Steamer Thomas Corwin in the Arctic Ocean 1881" by Captain C.L. Hooper, Senate Executive Document No. 204, 1884 (excerpt)
47. "The Discovery of Wrangel Island" by Samuel L. Hooper, California Academy of Sciences, 1956 (excerpt)
48. *The Cruise of the Corwin*, by John Muir, Houghton Mifflin Co., chapter 25 (excerpt)
49. Affidavit of Hilda Koonuknowruk Weber on Wrangell Island (a member of the party shanghaied in 1924 by the Soviet gunboat Red October)
50. Telegram of October 16, 1924, to State Department from Northwestern Chamber of Commerce protesting the removal by Soviet government vessel of Lomen Brothers' settlement on Wrangell Island
51. Memorandum of The Solicitor of the Department of State, F.M. Anderson, November 25, 1924
52. Flyer on *Icebound*, by Leonard F. Guttridge, Naval Institute Press; book details the expedition of U.S.S. Jeannette
53. Hydrographic chart 16200 (detail of Little Diomede Island and vicinity)
54. "Cession of Alaska" treaty 1867
55. "Giveaway of Alaskan Islands and Oil-Rich Seabeds to the Soviet Union Imperils Investments of 500,000 Stockowners of ARCO, UNOCAL, Amoco, and Shell", The Stockowners' News, No. 4, December 1984
56. Final Environmental Impact Statement, Chukchi Sea Oil and Gas Lease Sale 126, Department of the Interior, January 1991 (excerpts)
57. Questions for Department of State regarding the proposed U.S.-U.S.S.R Maritime Boundary Treaty
58. Letter of May 21, 1991, from Alaska State Senator Paul Fischer enclosing a copy of a letter of May 17, 1991, to Senator Joseph Biden Jr., Chair, Subcommittee on European Affairs, opposing the proposed U.S.-U.S.S.R. maritime boundary treaty, signed by 36 members of the Alaska Legislature (The typed names and identifications under the signatures have been added for clarity by State Department Watch.)
59. Letter of June 5, 1991, from California State Assemblywoman Paula Boland to Senator Joseph Biden Jr., supporting "the State of Alaska, or any State, in its rightful position of participation in any boundary negotiations involving its boundaries with the Soviet Union."
60. Letter of June 11, 1991, from California State Senator Don Rogers to Senator Joseph Biden Jr., supporting the rights of the State of Alaska to participate in negotiations that affect its boundaries and territory and to have the power of consent over such terms.
61. Law journal article "The United States Claim to Wrangel Island: The Dormancy Should End", by Don Eric Salom, California Western International Law Journal, Winter 1981, Volume 11, No, 1.
62. Court document "Order Directing Service" in case of R.M. Christiansen, plaintiff, versus George Bush, et al., defendants, No. A90-362 civil (United States District Court for the District of Alaska).
63. Letter of October 3, 1975, from Harold S. Russell, Assistant Legal Adviser for European Affairs, U.S. Department of State, to Robert M. Johnson, Assistant Attorney General, State of Alaska, regarding Wrangell Island
64. Associated Press news article "U.S. Considered Plan to Sell Part of Alaska to Denmark", San Francisco Chronicle, April 15, 1991.
65. Letter of June 6, 1991, to Carl Olson from Rear Adm. Yeager, Director of Coast and Geodetic Survey, National Oceanographic and Atmospheric Administration, regarding surveys (and lack thereof) for Little Diomede Island.
66. Letter dated May 31, 1990, from Everett P. Wood, Administrator of the Estate of Ralph Lomen, to Senator Jesse Helms
67. Telegram dated July 22, 1984, from Mark Seidenberg to Elizabeth Verville, Deputy Legal Advisor, c/o U.S. Embassy, Moscow

68. Telegram dated April 8, 1986, from Mark Seidenberg to Elizabeth Verville, Deputy Legal Advisor, c/o U.S. Embassy, Moscow
69. Mailgram dated July 24, 1988, from Carl Olson to George Shultz, Secretary of State, Washington, DC

Senator BIDEN. Thank you very much for your testimony. It has been very helpful.

I yield to my colleague from Alaska for any questions he may have.

Senator MURKOWSKI. Thank you.

I wonder, Mr. Olson, if you claim responsibility for the publication "Bad News Bulletin: U.S. State Department Policy Actions"? And there are a number of attachments here relative to the issue before us, the claim for the islands and so forth.

Mr. OLSON. Yes, they look like publications from our organization.

Senator MURKOWSKI. Have you ever been to Wrangel Island?

Mr. OLSON. In the Arctic?

Senator MURKOWSKI. Either Wrangel Island.

Mr. SEIDENBERG. Excuse me. There are four Wrangell Islands, Senator, all spelled with two l's. That was the determination of the U.S. Board of Geographic Names by resolution in 1901.

Senator MURKOWSKI. Can you tell me where they are, please?

Mr. SEIDENBERG. Yes, I can. Two are in the Alexander Archipelago, one that you alluded to earlier—

Senator MURKOWSKI. Slow down, slow down.

Mr. SEIDENBERG. OK.

Senator MURKOWSKI. The two in the archipelago?

Mr. SEIDENBERG. Alexander Archipelago.

Senator MURKOWSKI. Just 1 minute. Where are they in the archipelago?

Mr. SEIDENBERG. One is within about—I do not have a map to show you.

Senator MURKOWSKI. I have a map here, but just tell me where they are.

Mr. SEIDENBERG. They are near—one is a little island by the name of Wrangell, near the bigger island by Wrangell which you mentioned that you have been on. The other Wrangell Island is the one we were looking to on the map, which is the largest Wrangell Island, which was discovered in 1867 by the captain of the ship Nile and formally annexed by the U.S. Revenue Marine Service.

Senator MURKOWSKI. And where is the fourth one?

Mr. SEIDENBERG. The fourth one is way off in the western, northwestern Siberia, which truly is Soviet territory.

Senator MURKOWSKI. I see.

Mr. SEIDENBERG. They are all named after the same individual, Senator.

Senator MURKOWSKI. Would you provide for the record the location, if you care to, of the four Wrangell Islands that you have identified.

And Mr. Olson, would you indicate why, when the spelling, as I understand it, of the Wrangel Island that we are concerned with here is one "l," your publication throughout its identification contains two l's?

Mr. OLSON. Oh, I would be glad to, because this is kind of a controversy that goes back and forth. The reason we have adopted the two "l" spelling is that is the spelling that the U.S. Board of Geographic Names has given to it; and second, it was the spelling that Baron von Wrangell himself used.

I think that a single "l" is a Russified version of "Wrangell" and has gotten usage in that respect.

Mr. SEIDENBERG. Baron Wrangell was a Baltic, from the Baltic, and his family name was spelled with two l's. And all four islands are named after the same individual, who used to be the administrator or governor of the Russian-American Co. and an Arctic explorer in his own right.

Senator MURKOWSKI. So your explanation is that somewhere along the line they just simply dropped the one "l" from the Arctic Wrangel and proceeded to just let it go, when in reality your contention is that it should be two l's?

Mr. SEIDENBERG. Partially correct, Senator. Two l's is a spelling that was adopted by the U.S. Board of Geographic Names for the Wrangell in the Arctic and the two Wrangell Islands in the Alexander Archipelago. They did it by resolution in, I believe it was, July 1901. I could give you the exact date in response, but I am doing this from memory.

But they determined in a publication, U.S. Geological Survey Bulletin that was issued, that all islands which were included, the three that I mentioned, were all part of Alaska. This is called Dictionary of Alaska Place Names.

Senator MURKOWSKI. The four that you mentioned.

Mr. SEIDENBERG. Only three, Senator. The one that is in the western, northwestern Siberia was not included within that publication.

Senator MURKOWSKI. You indicate under certain recommendations in your testimony, specifically No. 5: "If any of these islands are ceded de facto or de jure to the Soviet Union, then adequate provision should be made for just compensation for this unprecedented taking of property."

Who would that consideration be made to?

Mr. OLSON. Well, these five islands are, we believe, part of the State of Alaska, and every State, if they do not themselves own the territory, they own the rights of the seabed and the territorial sea, which have tremendous value to them.

In the case of Wrangell Island, the Lomen brothers, who had acquired the island from Vilhjalmur Stefansson, still wants to have their island back. They were invaded in 1924 by the Soviet Union and they want their island back.

Senator MURKOWSKI. So it is your contention that compensation would be due the Lomen family, is that right?

Mr. OLSON. That is true, or their successors and heirs.

Senator MURKOWSKI. Now, who are some of the successors and heirs that are identifiable?

Mr. OLSON. Well, the administrator of the estate is Everett Wood, who was one of the clerks, I believe, or managers of the Lomen brothers business there. I guess it was headquartered in Nome, AK.

Senator MURKOWSKI. Are there any others?

Mr. OLSON. There are a couple others that—at the time that we found out about this activity, I believe Mr. Seidenberg had talked with, was it, Ralph Lomen or Carl Lomen?

Mr. SEIDENBERG. Ralph Lomen, Senator.

Mr. OLSON. Yes. And in order to help in the controversy, acquired a corner, so to speak, of whatever they had of the island.

Senator MURKOWSKI. A corner?

Mr. SEIDENBERG. The southeastern portion, Senator.

Senator MURKOWSKI. How much of the island is the southeastern portion? One-quarter of the island?

Mr. SEIDENBERG. No, no, no, Senator. Probably about one-sixteenth the island. I basically was concerned—in 1973, Senator Gurney held hearings February 1 and 2 of that year, and Wrangell Island, the one in the Arctic, came up at those hearings, which were dealing with forced labor and concentration camps in the U.S.S.R.

They were discussing Soviet gulags around those islands. I acquired the area basically accompanying those gulags. That was the reason I got involved, because of Raoul Wallenberg, who was allegedly incarcerated there in 1962. So I basically wanted to get the area where I believed Wallenberg was at the time, to see if I could get him rescued.

Senator MURKOWSKI. And what was your interest, then? What kind of a transfer of evidence do you have for ownership?

Mr. SEIDENBERG. I have a warranty deed, Senator, recorded in Nome recording district.

Senator MURKOWSKI. Warranty deed by whom?

Mr. SEIDENBERG. Ralph Lomen, the owner of Lomen Bros. Co.

Senator MURKOWSKI. And what does Mr. Lomen have from the standpoint of any documentation?

Mr. SEIDENBERG. He has recorded title documents, also recorded at Nome, dated April 1, 1924.

Senator MURKOWSKI. Do you know what kind of a document that is?

Mr. SEIDENBERG. It was the rights to the island. I do not know exactly what you would call it. It is a deed of some sort. I am not too sure. I am not an attorney.

Senator MURKOWSKI. Is it a crown deed from the Soviets?

Mr. SEIDENBERG. No, Senator. It was a deed from the Stefansson Arctic Development Co., which maintained the colony on Wrangel Island.

Senator MURKOWSKI. If you would care to provide for the record a—I am sure you have got one—a title search, which any title company can provide in checking the record back to whatever type claims might be recorded.

It is not a fact, then, that there is a chain of title that is evidenced by a quitclaim deed?

Mr. SEIDENBERG. I am sorry, I did not understand the question.

Senator MURKOWSKI. I said it is not a fact, then, that there is any effort to claim title through a quitclaim, recorded quitclaim deed that one or another of the parties who are claimants may have or hold?

Mr. SEIDENBERG. No, they were warranty deeds, Senator.

Senator MURKOWSKI. No quitclaim deeds?

Mr. SEIDENBERG. No quitclaim deeds.

Senator MURKOWSKI. Fine.

Mr. Chairman, I think it would be interesting for the claimants, since Mr. Seidenberg claims an interest in the island, to provide whatever evidence he has. I think that we have seen a situation here where obviously the administration spent a good deal of time on the treaty. The State of Alaska and the Alaskan congressional delegation has expressed its opinion with regard to the necessity of resolving a maritime dispute.

The legitimacy of the claimants, as represented by Mr. Olson, may or may not have any valid interest in the islands themselves, but again that is not a question that is before this committee and the matter which we are attempting under this maritime boundary agreement to resolve is a boundary line between the two countries.

So I think we have summed up the attitude prevailing in Alaska among the delegation and the citizens of our State with regard to the maritime boundary. The other issue is certainly a legitimate dispute between those who claim to have an interest in the islands and the interest in the U.S. Government in making a determination at some point in time of the validity of their claims.

So with that, Mr. Chairman, I have no further questions.

[The information referred to follows:]

QUIT CLAIM DEED

THIS DEED

Made this 18th day of October in the year one thousand nine hundred and eighty-five by and between

Estate of Ralph Lomen (Everett P. Wood, Administrator, 900 University St. #15R, Seattle, Wash. (98101) Party of the first part,

Carl Olson and Paula Olson, as joint tenants with right of survivorship (324 Sherwood Dr., Vienna, Virginia 22180) parties of the second part:

WITNESSETH, that the party of the first part, for and in consideration of One thousand Dollars and other considerations, has granted, released, and forever quitclaimed, and does hereby grant, release, and forever quit-claim unto the parties of the second part the following described land and premises, situate, lying and being in the State of Alaska/Arctic Ocean and distinguished as One-quarter undivided interest in the lands of Ralph Lomen known as Wrangell Island (a.k.a. New Columbia Land), which was re-recorded at the Nome Recording District in Book 281, Pages 822-823, less that portion conveyed to Mark Seidenberg on June 24, 1976 recorded at the Nome Recording District in Book 278, Pages 481-482.

Wrangell Island is about 2,800 square miles in area and is located in the Polar Sea (Arctic Ocean) about three hundred miles northwest of Point Hope. The crew of the U.S.S. John Rodgers made the official survey for the U.S. Government between 26 August and 13 September 1881. Captain Calvin Leighton Hooper, USRM, (de facto governor of Alaska) with a party from the U.S. Revenue Marine steamer Thomas Corwin landed on Wrangell Island on 12 August 1881 and took formal possession in the name of the United States Government based on the right of discovery by the American Barque Nile in 1867. The U.S. Coast and Geodetic Service then placed Wrangell Island in the district of Alaska.

It should be noted that Atherton Mountain is situated on Wrangell Island and is listed as part of Alaska as follows: U.S. Geological Survey Bulletin #169 by Henry Gannett "Altitudes in Alaska" (Washington GPO 1900); U.S. Geological Survey Bulletin #187 by Marcus Baker "Geographical Dictionary of Alaska" (Washington GPO 1902); U.S. Geological Survey Bulletin #274 by Henry Gannett "A Dictionary of Altitudes in the United States" (Washington GPO 1906); U.S. Geological Survey Bulletin #299 by Marcus Baker and James McCormick "Geographic Dictionary of Alaska" (Washington GPO 1906); U.S. Geological Survey Professional Paper #567 by Donald J. Orth "Dictionary of Alaska Place Names" First printing (Washington GPO 1967); U.S. Geological Survey Professional Paper #567 by Donald J. Orth "Dic-

tionary of Alaska Place Names" Revised, Second printing (Washington GPO 1971); U.S. Geological Survey Professional Paper #567 by Donald J. Orth "Dictionary of Alaska Place Names" Revised, Third printing (Washington GPO 1975); and U.S. Geological Survey Professional Paper #567 by Donald J. Orth "Dictionary of Alaska Place Names" Revised, Fourth printing (Washington GPO 1977).

together with all and singular the improvements, ways, easements, rights, privileges, and appurtenances to the same belonging, or in anywise appertaining, and all the estate, right, title interest and claim, either at law or in equity, or otherwise however, of the party of the first part, of, in, to, or out of the said land and premises.

TO HAVE AND TO HOLD, the above released land and premises unto and to the use of the parties of the second part and their heirs and assigns forever.

WITNESS my hand and seal the day and year hereinbefore written.

Signed, sealed and delivered in the presence of—

Everett P. Wood [SEAL]
Administrator of the Estate of Ralph Lomen

State of Washington
County of King

TO WIT:

I, Grace Lane Crosson a Notary Public in and for the do hereby certify that Everett P. Wood, Administrator of the Estate of Ralph Lomen, party to certain Deed bearing date on the 18th day of October 1985, and hereto annexed personally appeared before me in said City of Seattle, Washington, the said Everett P. Wood being personally well known to me as the person who executed the said Deed, and acknowledged the same to be his act and deed.

GIVEN under my hand and seal this 29th day of October 1985.
Grace Lane Crosson.

Senator BIDEN. I have one question, if I may. Mr. Olson, can you think of any circumstance anywhere else in the world where there is a maritime boundary where one of the countries that is a party to that boundary has sovereign jurisdiction over a piece of land that is on the other side of the maritime boundary?

Is there any such place anywhere?

Mr. OLSON. I really could not speak to that, because we have not looked at any other negotiations in that respect.

Senator BIDEN. I am not suggesting you should. I am just curious.

Mr. OLSON. In that respect, I just could not say.

Senator MURKOWSKI. Macao may meet that criteria.

Senator BIDEN. Macao may meet that criteria.

Senator MURKOWSKI. If you are reaching, you might as well reach.

Senator BIDEN. I was curious, just wondering.

Gentlemen, thank you very, very much for taking the time. I assume you are both from Alaska, is that right, or are you?

Mr. SEIDENBERG. We both visited Alaska.

Senator BIDEN. Oh.

Mr. OLSON. We have been there.

Senator BIDEN. I am sorry. I was going to thank you for the long trip. Where did you make your trip from, downtown?

Mr. SEIDENBERG. For me, yes, that is correct, Senator.

Senator BIDEN. Well then, I withdraw the thanks.

Mr. OLSON. I came from Los Angeles.

Senator BIDEN. So I will not thank you for the trip, but thank you for the time, all kidding aside. Thank you very much, gentlemen, for coming up.

[Whereupon, at 3:41 p.m., the committee adjourned, to reconvene subject to the call of the Chair.]

44-474 (48)

ANNUAL REPORT

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OF THE

SECRETARY OF THE NAVY.

NOVEMBER 28, 1881.

WASHINGTON:
GOVERNMENT PRINTING OFFICE.
1881.

U. S. S. RODGERS,
Off Herald Island, September 14, 1881.

SIR: I have the honor to report that the U. S. S. Rodgers sailed from St. Lawrence Bay at 10.20 p. m. August 19, and the next morning entered the Arctic Ocean in company with the Russian Corvette Strelock, but was separated from her by a fresh westerly wind followed by thick weather.

Touched at Serdze Kamen August 21, and sent a boat on shore to inquire about a reported wreck, but could get but little information, experiencing great difficulty in communicating with the natives. From them we learned that the United States revenue cutter Corwin had visited that point and sent a search party on shore near Kolientchin Island.

I sailed the same evening for Herald Island, and August 23 at 7 p. m. sighted Cape Hawaii, Wrangel Island, bearing W. N. W. distant about 12 miles with the ice extending about 10 miles off the shore. At 8 a. m. the next morning both Wrangel Island and Herald Island were in plain sight, and we arrived off the latter at noon of the same day.

A boat was sent on shore in charge of Master H. S. Waring to search for tidings of the Jeannette and missing whalers, and an examination of the western extremity of the island was made and the remainder scanned from the summit of the highest land with glasses, without discovering any tracings.

The wind having shifted from N. W. to S. W. the surf on the beach increased to such an extent that it became necessary for the boat to leave shore without having finished the examination. After the return of the boat to the ship we steamed along the southern shore of the island without discovering any cairn and then headed for Cape Hawaii.

August 25, at 10 a. m., sighted Cape Hawaii and shortly after made the ice along the starboard beam, seemingly densely packed; skirted it, and at 4 p. m. sighted a lead from the masthead and followed it in. Progress was at first very slow, but soon we had the satisfaction of finding the ice more open, and at 10 p. m., having passed through about 10 miles of ice, we dropped anchor about one-half mile from shore in 6 fathoms of water. Sent a boat on shore the next morning to examine a lagoon, which was seen by a party that landed as soon as the ship was anchored, and found at its mouth an excellent small harbor, a rough draft of which is inclosed.

The vessel was moved into the harbor and preparations commenced for three search parties to explore the island for traces of the missing parties.

The parties got off August 27 between 3 and 4 p. m. Master H. S. Waring, with a whaleboat and crew, was ordered to explore the coast, passing to the northward of the island, and was accompanied by Assistant Surgeon J. D. Costille. At the point marked on the chart of the island inclosed he found a cairn, left by Capt. C. L. Hooper, U. S. R. M., the contents of which I inclose. A copy was left in the cairn. Great difficulty was experienced in working the boat through the ice, and on August 30, having entered a shallow bay, a northerly wind sent the pack down and imprisoned the boat there. After waiting three days, without any prospect of getting out, he returned overland with his party to the ship, leaving the boat and her equipments. The place where the boat is left will be found on the chart.

Ensign H. J. Hunt was ordered to explore the coast, passing by southward of the island in a whaleboat, and was accompanied by Passed-Assistant Engineer A. V. Zane. He skirted the coast to the southward,

the westward, and to the northward as far as the position marked on the inclosed chart. Finding it impossible to proceed farther, on account of the ice, without delay of uncertain duration, and being instructed not to remain beyond the 10th of this month, he returned to the ship, passing again to the southward.

The third party I took charge of, and was accompanied by Surgeon M. D. Jones and four men. After having penetrated 20 miles in a N. W. by N. direction in the interior, I ascended a mountain which, by barometric measurement, was 2,500 feet high, and could see from its summit the sea in all directions, except between S. S. W by W. per compass. The day was very clear, and no land except Herald Island was visible from this height. There was no ice in sight to the southward. A strip seemingly 10 miles wide to the westward, with open water between it and the shore, densely packed ice to the northward, in which no openings could be seen, but open water between it and the shore and narrow streaks of ice to the eastward.

It will be seen from the chart that the whole coast line, with the exception of a few miles of outlying sandspits, has been examined, and I believe it impossible that any of the missing parties ever landed here.

I found among the drift-wood, about six miles west of the ship while in harbor, the slings of a topsail yard, about 12 feet long and 11 inches in diameter, which looked as if it had been in the water about two years, and I should judge that it had belonged, from its appearance, to a merchant vessel.

We sailed from Rodgers Harbor, Wrangel Land, yesterday morning at 9.20, and last evening at 5.30 visited the bay where the whaleboat was left, but were unable to penetrate but a short distance, owing to grounded ice and shoal water.

I shall finish the examination of Herald Island, and then proceed to the northward as far as possible in search of some other land where the Jeannette or missing whalers may have touched. I shall try and communicate again with the whalers to inform the department of my plans for the winter. All well on board.

Respectfully, your obedient servant,

R. M. BERRY,
Lieutenant, United States Navy, Commanding.

Hon. WM. H. HUNT,
Secretary of the Navy.

U. S. S. RODGERS,
Latitude 71° 55′ *N., longitude* 175° 10′ *W., September* 27, 1881.

SIR: I have the honor to report that after putting my letter of the 14th instant aboard the whale bark Coral I sent a boat on the following morning, with Master H. S. Waring in charge, to examine the remainder of Herald Island. After pulling around the eastern end of the island he returned to the ship and reported that he could effect no landing, and the ship was headed due north. At 3.50 a. m. of the 16th ran into loose ice, and at 4 came up to a dense pack, the weather being thick and snowing. At 8.30, the weather having cleared somewhat, the ship was headed to the westward, and soon after discovering an apparent lead to the northwest it was followed, but soon ended in a dense, impenetrable pack, with smooth, unbroken field-ice beyond as far as the eye could reach. Upon returning out of the pocket the ice to the westward was seen to trend so much to the southward that I thought best to turn to the eastward, and skirting the pack came to a lead the next morning

which we followed, forcing our way through small ice and floe-pieces until 5 p. m., when we came up to the pack, so dense as to discover neither leads nor open patches of water ahead.

After working from daylight until dark we had only penetrated 15 miles. It was now too dark to see our way, and the ship was secured to a floe for the night. The temperature fell to 8° below freezing, and young ice from 1 to 3 inches was formed around the ship, cementing the floes together. At 3 a. m. the ship was cast loose from the floe and headed for a lead about 100 yards distant, which was reached after steaming full power for an hour and fifteen minutes through the ice that had closed around us after securing the vessel.

Having followed the lead to open water, we again skirted the pack to the eastward and entered a third lead, which we followed to its end, meeting again the ice in serried masses.

Having now reached latitude 73° 44′ north, longitude 171° 48′ west, without discovering any indications of land with a bright lookout kept at the crow's nest, but, on the contrary, from soundings, that the water invariably deepened as we proceeded north, and finding also that the main pack from this point trended well to the southward of east, I thought it best to return to the northeast point of Wrangel Island, and proceed from here in a northerly and westerly direction in hopes of finding the high land north of Wrangel Island reported "as situated in 175° west longitude and extending as far north of 73° north latitude as the eye could reach" by Captain Smith of the whale bark New Bedford.

We found that a part of the ice had drifted out of the bay where one of the exploring boats was deserted, and we picked the boat up, then headed to the northward and westward, having ice in sight along our port beam as far as we went. We crossed the one hundred and seventy-eighth meridian and reached a position the latitude of which is 73° 28′ north and the longitude 179° 52′ east, then recrossed the one hundred and seventy-eighth meridian in 73° north without sighting land, with the horizon throughout and the sky to the northward clear.

Except where we attempted to follow the leads referred to above, I have found the northern ice of such a nature that it would not be possible to pass its outer edge, consisting in places of heavy pack and in others of unbroken fields of miles in extent.

The field-ice was from 2 to 3 feet out of water. Believing that it would be useless to try and proceed farther in that direction this season, and that by an attempt to do so the vessel would be in danger of being caught in the pack and have to winter there without an adequate prospect of accomplishing anything, for it is difficult to conjecture in what direction the Jeannette drifted after she was once fast in the pack, being at the mercy of winds and currents, I propose next to proceed from here to the coast of Siberia and follow it to the westward, looking there for tidings of the missing vessels and for a suitable harbor to winter in from which to send out sledge parties and be in a position to succor any one who might reach that coast. Failing to find a suitable harbor, I will leave a party with dogs, sledges, and provisions for one year to make the search, and will winter the vessel in St. Lawrence Bay and send parties from there also.

In the spring I will proceed to Plover Bay, fill up with coal, and continue the search.

Since Wrangel Land has proved to be an island of so small an extent, with no other land near it, I deem it useless to winter there, as recommended by the Jeannette Relief Board under the false supposition that it extended far to the northward.

In my letter of the 19th ultimo from St. Lawrence Bay I referred a report of men with dogs having gone to the eastward from Point B row, which report I am assured by the whalers is wholly without fo dation.

The other report that a vessel drifted on the coast of Siberia wes Kolintchin Bay last November they believe to be true, and from the scription given of her by the natives that she was the Vigilant. Th described her as having deer's horns on the flying-jibboom, with l masts cut away and hanging over the side and dead bodies within h

After some of the natives had visited her and gone for more to ta from her what they wanted she drifted off the coast again. They a state that some small articles obtained from these natives, and now possession of Captain Hooper, were recognized as belonging to t Vigilant.

We still have 250 tons of coal on board; the vessel, in every respe is in good condition, and the crew and officers all well.

Very respectfully,

R. M. BERRY,
Lieutenant United States Navy, Commanding.

Hon. WILLIAM H. HUNT,
Secretary of the Navy.

UNITED STATES REVENUE MARINE,
REVENUE CUTTER CORWIN,
August 12, 1881.

Landed here this date, having previously landed at Herald Island. "cairn," with information inclosed, may be found on the N.E. summ of the island. The finder is requested to send the contents of this bo tle to the New York Herald.

J. C. ROSSE.

UNITED STATES REVENUE MARINE, U. S. S. CORWIN,
Wrangel's Land, August 12, 1881.

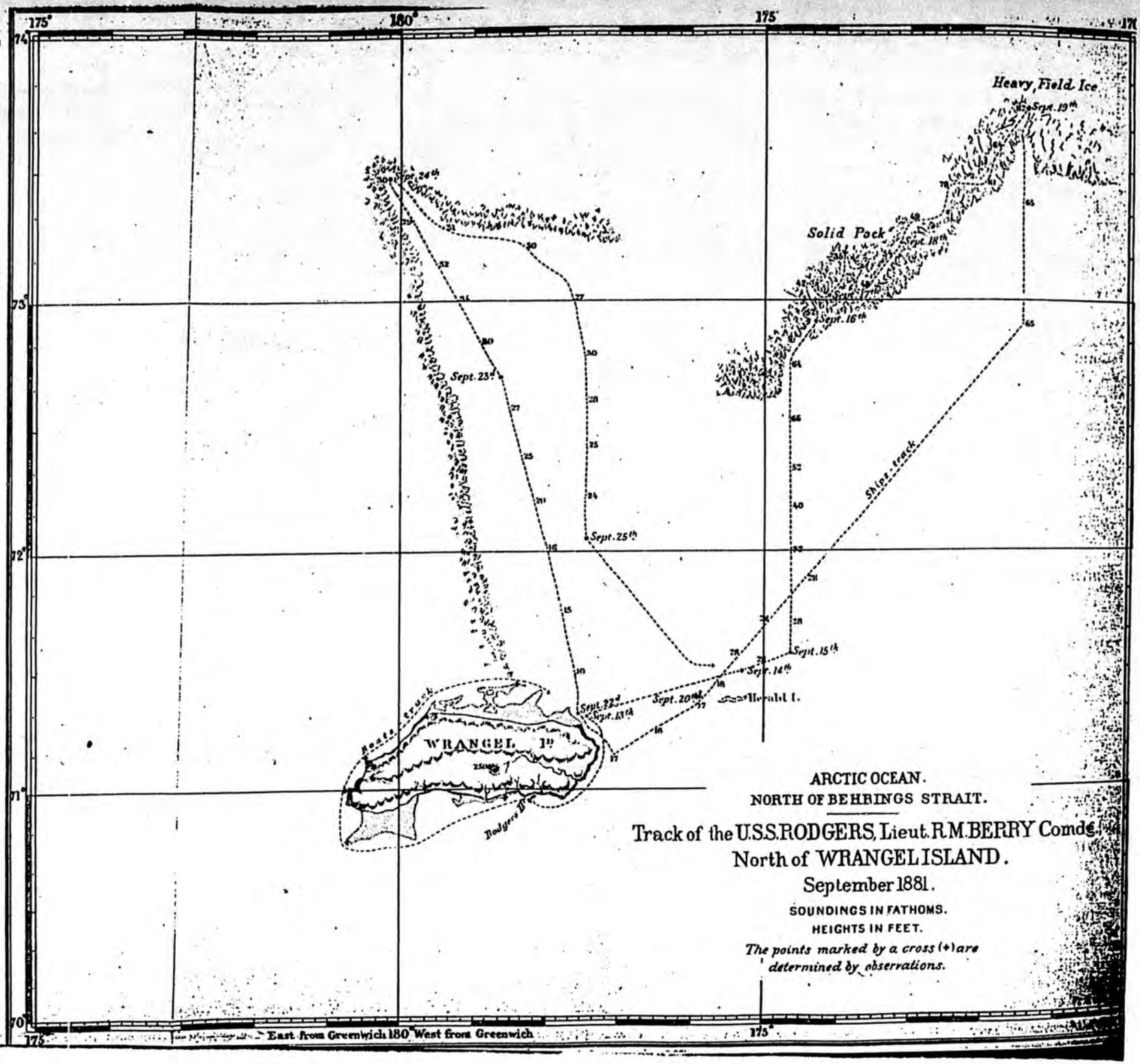
The U. S. S. Corwin, Capt. C. L. Hooper commanding, visited thi land, in search of tidings from the United States exploring steame Jeannette. A cask of provisions will be found on the second cliff to th northward. All well on board.

U. S. S. RODGERS,
St. Lawrence Bay, October 16, 1881.

SIR: I have the honor to report that this vessel arrived at this po from the Arctic Ocean yesterday morning at 8 a. m.

After sending my report of 27th of September by the steam whal Belvedere, I proceeded to Herald Island and finished its examinati without finding any traces of the Jeannette or missing whalers. A can was found on the N. E. summit left by Dr. Rosse, of the United Stat revenue cutter Corwin, containing simply the information that he land there in July last and that all were well.

I next proceeded to the coast of Siberia in search of winter quart sighting it just east of Cape Jakan, a strong north wind blowing at t time, and a heavy sea running so that it was not possible to send boat on shore. I coasted to the eastward, examining the shore from ship; but towards evening the wind freshened, and falling snow s out the shore altogether. I stood off from shore and laid to for to


175°
180°
175°
74°
73°
72°
71°
70°
Heavy Field Ice
Sept. 19th
Solid Pack
Sept. 18th
Sept. 16th
Sept. 23d
Sept. 25th
Ships track
Sept. 15th
Sept. 14th
Sept. 20th
Herald I.
Sept. 22d
Sept. 13th
WRANGEL I.
Rodgers I.
ARCTIC OCEAN.
NORTH OF BEHRINGS STRAIT.
Track of the U.S.S. RODGERS, Lieut. R.M. BERRY Comdg.
North of WRANGEL ISLAND.
September 1881.
SOUNDINGS IN FATHOMS.
HEIGHTS IN FEET.
The points marked by a cross (+) are determined by observations.
East from Greenwich 180° West from Greenwich
175°
175°

ARCTIC OCEAN.
NORTH OF BEHRINGS STRAIT.

WRANGEL ISLAND

as surveyed by the Officers of the U.S.S. Rodgers,
Lieut. R.M. Berry comdg
September 1881.

Obs. Spot in Rodgers Hr { Lat. 70° 57' N. Long. 178° 10' W.

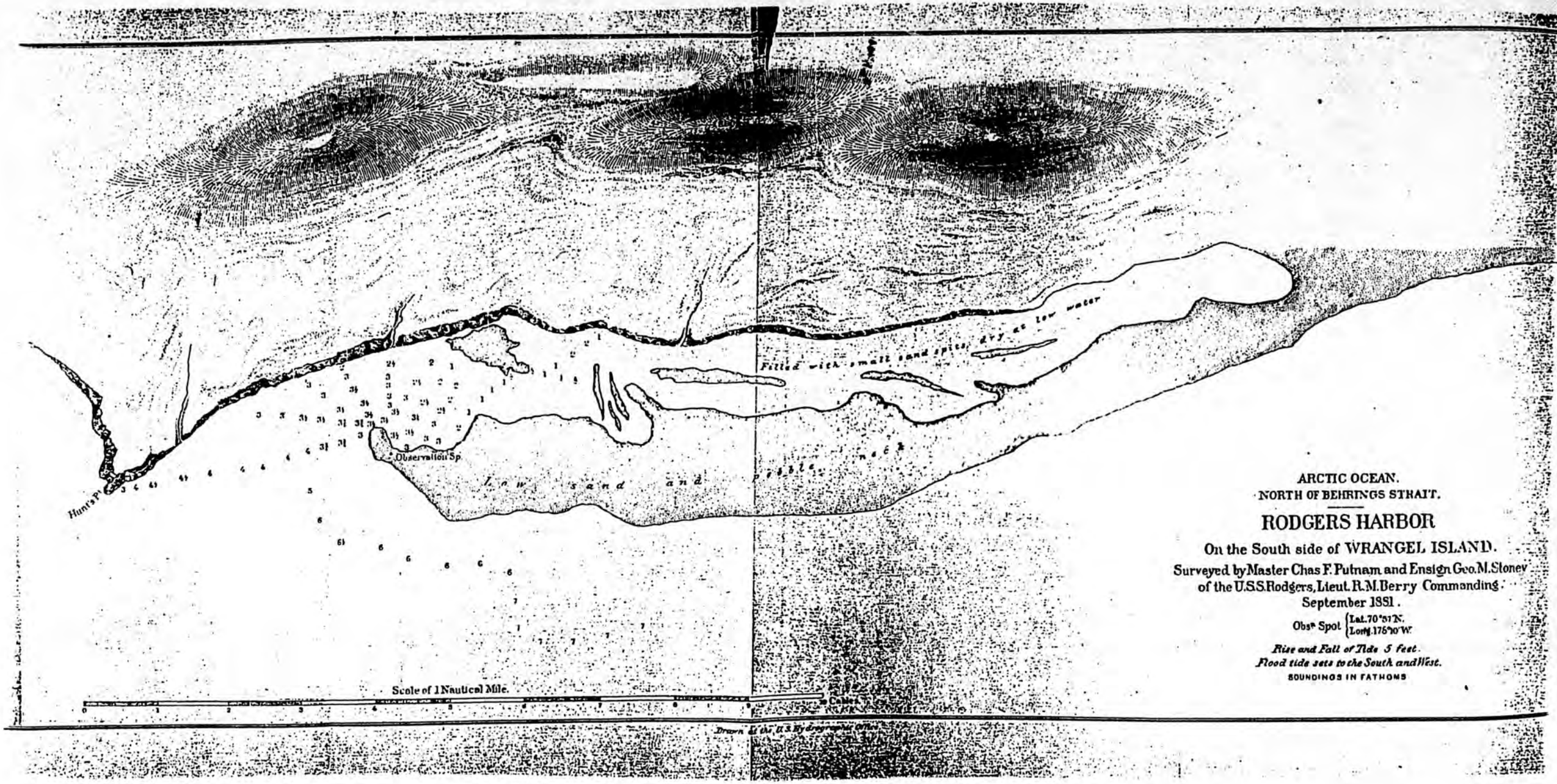
Note.
Master Waring's camps are shown by the mark •
Ensign Hunts _____

This chart is to be considered as a preliminary one, subject to correction by replotting.

Berry's Pt
Ice Spit
•Last point reached by boat
Brush Spit
Ships track
Sept. 13th
Ennus Pt
Drum Hd
Numerous detached Mountain Peaks and Valleys
Range of Mountains lower than Coast Range, ascended by Lieut. Berry
Waring's Pt
Pillar Pt
C. Florence
Numerous detached Peaks
Berry's Peak 2300ft
Lieut. Berry's track
Hooper's Cairn
Skeleton I.
Zanes Cliff
Doubtful Hr
C. Thomas
C. Hawaii
Obs. Spot Rodgers Hr
Blossom Pt

Scale of Nautical Miles.
0 5 10 20

Drawn at the U.S. Hydrographic Office.



ARCTIC OCEAN.
NORTH OF BEHRINGS STRAIT.

RODGERS HARBOR

On the South side of WRANGEL ISLAND.

Surveyed by Master Chas F. Putnam and Ensign Geo. M. Stoney of the U.S.S. Rodgers, Lieut. R.M. Berry Commanding.
September 1881.

Obsn Spot { Lat. 70°51' N. / Long. 176°10' W.

Rise and Fall of Tide 5 feet.
Flood tide sets to the South and West.

SOUNDINGS IN FATHOMS

Oil deposits shift Cold War to drab, icy Arctic islands

By SUE CROSS
Associated Press

JUNEAU, Alaska — For more than 60 years, since Russian sailors landed on Wrangel Island, raised the Red flag and kicked out a dozen people, the Soviet Union and the United States have been arguing over who really owns five Arctic islands off Siberia.

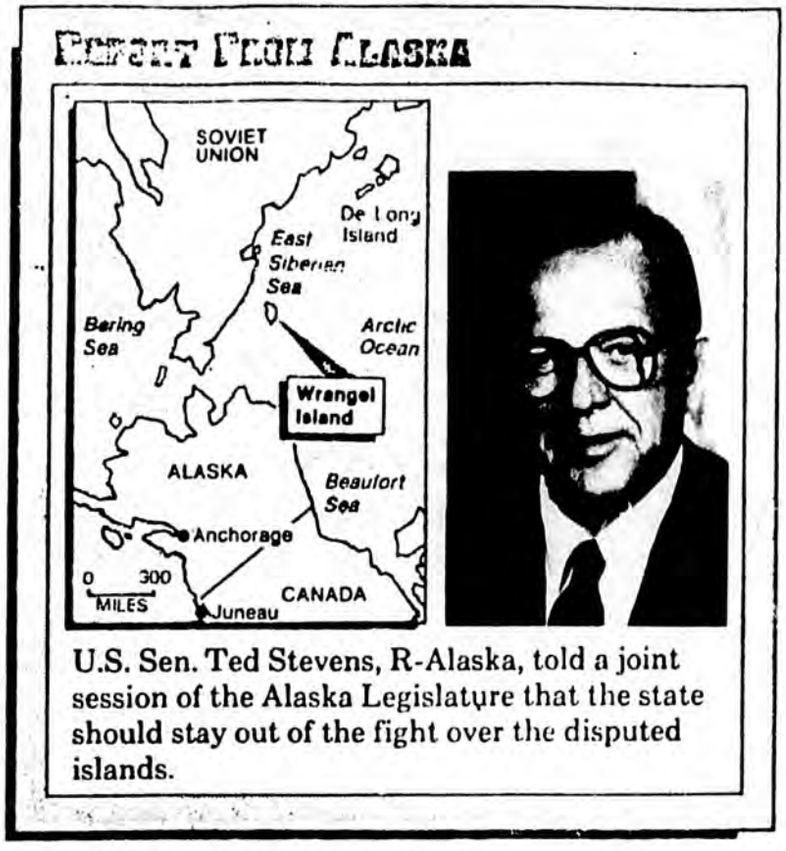
Depending on whose version of history is believed, the people forced off the island by sailors from the ship Red October in 1924 were either American colonists or Eskimo hunters.

The American claim to Wrangel and the other five islands has been reincarnated recently by politicians who say the area includes vast oil reserves and submarine access to the Arctic.

In Congress, Sen. Jesse Helms, R-N.C., and Rep. Mark Siljander, R-Mich., have introduced resolutions seeking what they call reassertion of the United States' control over the islands. And the Alaska Senate passed a resolution this month echoing that request and asking that the islands be made part of Alaska.

"I think there's far more at stake here than five islands covered by ice and snow," said Democratic State Sen. Bill Ray. "If we surrender these islands, we'll be surrendering more than half our continental shelf."

Wrangel and Herald islands lie about 100 miles north of Siberia and 200 miles west of the recognized United States border. The other islands are farther west and north, part of the DeLong group named for U.S. Navy Commander George DeLong, who explored the area around 1880.



U.S. Sen. Ted Stevens, R-Alaska, told a joint session of the Alaska Legislature that the state should stay out of the fight over the disputed islands.

Regardless of whether the islands ever were American, they never were Alaskan, and that's a major point in arguments that the state should not dabble in foreign policy.

"Alaskans don't belong in that fight," U.S. Sen. Ted Stevens, R-Alaska, told a joint session of the Alaska Legislature.

The islands were not part of Russia's sale of Alaska to the United States in 1867, and the United States repeatedly has declined to claim them, said State Sen. Jay Kerttula, a Democrat.

Though Americans are credited with discovering some of the islands, they never formally claimed them, said U.S. Sen. Frank Murkowski, R-Alaska.

"I don't want to see the Soviets get anything they don't have coming, but . . . I've yet to see the validity of claims made by the U.S. government," Murkowski said.

MIAMI HERALD, 23 March 1986

SENATOR TED STEVENS (R - Alaska)

incredibly fought against the Alaska State Legislature in its urgent resolution to keep the five strategic Alaskan islands and vast oil-rich seabeds:

"Alaskans don't belong in that fight."

Don't you think Senator Stevens should be re-educated on this issue?

WATCH
STATE DEPARTMENT

NATIONAL HEADQUARTERS
Post Office Box 46857
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703-379-1070

Letters to the Editor

Keep the Wrangell Wrangle on Ice

I was interested to read your Nov. 13 editorial "Border Dispute" about Wrangell Island and the U.S.-Soviet maritime-boundary discussions. Alaska has many ties to the boundary area and the islands you mention. It was two Alaskans, the Lomen brothers, who lost furs and trapping equipment when the Soviet ship landed on Wrangell Island in 1924. The Lomens received compensation for the personal property they lost in the 1959 Foreign Claims Settlement Commission decision you mentioned.

Currently, many Alaskans depend on the resource-rich waters in the Navarin Basin area of the Bering Sea for their livelihood. Although your editorial made a number of valid points, I believe it is important to separate the question of whether the U.S. has ever exerted claims over Wrangell Island and other territories north of the Soviet Union, from the negotiations now under way with the U.S.S.R. over the boundary in the Navarin Basin. I understand that the two issues can be linked, but it appears that our interests would be better served by resolving whatever issues can be addressed now, and working on the other issues as facts become more clear.

The Navarin Basin issue requires our immediate attention because Soviet activities in the waters off Alaska have become increasingly worrisome. This summer, the Soviets deliberately harassed U.S. drilling rigs involved in energy exploration in the Navarin Basin area. Soviet overflights of rigs caused dangerous interference in the safe operation of helicopters carrying American workers to and from the oil rigs. These irresponsible incidents jeopardize the negotiations which we have been conducting over the maritime boundary, and put the lives of Americans at risk. The State Department protested the flights.

I am monitoring the negotiations because I am concerned that our negotiators keep American energy, fisheries and strategic interests foremost in their minds. The waters off Alaska contain some of the world's richest fisheries, and could also contain significant mineral deposits.

On the other issues you mention, I have reviewed a great deal of material about claims over Wrangell, Henriette and other islands, and I confess that the record is not clear. I believe Congress must be given a comprehensive review of the dispute, and hear all sides before a judgment is made about ownership. In this regard, I am considering legislation to require our government to give the Senate Foreign Relations Committee a full report, which could provide a basis for future hearings. In addition, any treaty negotiated with the Soviet Union that proposes to give up territory claimed by the U.S. will be subject to careful review by the Senate before it is ratified.

FRANK H. MURKOWSKI (R., Alaska)
U.S. Senate
Washington

THE WALL STREET JOURNAL MONDAY, DECEMBER 2, 1985

SENATOR FRANK MURKOWSKI (R - Alaska)

promised a lot, but delivered nothing.

He hasn't even put in this simple bill, which he promised to do in December, 1985!

Don't you think Senator Murkowski needs to be educated about the need for fast action?

WATCH STATE DEPARTMENT
NATIONAL HEADQUARTERS
Post Office Box 46857
Washington, D.C. 20050
703-379-1070

S. HRG. 103-29

NOMINATION OF WARREN M. CHRISTOPHER TO BE SECRETARY OF STATE

HEARING

BEFORE THE

COMMITTEE ON FOREIGN RELATIONS UNITED STATES SENATE

ONE HUNDRED THIRD CONGRESS

FIRST SESSION

JANUARY 13 AND 14, 1993

Printed for the use of the Committee on Foreign Relations

U.S. GOVERNMENT PRINTING OFFICE
62-822cc WASHINGTON : 1993

For sale by the U.S. Government Printing Office
Superintendent of Documents, Congressional Sales Office, Washington, DC 20402
ISBN 0-16-040654-4

Reprinted by:
STATE DEPARTMENT WATCH
Post Office Box 65398
Washington, D.C. 20035
703-276-3330

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RESPONSES OF SECRETARY-DESIGNATE CHRISTOPHER TO QUESTIONS ASKED BY SENATOR JEFFORDS

GUATEMALA

Question. Guatemala continues to suffer from vast social and economic inequalities and is still wracked by human rights violations. While President Serrano has indicated his commitment to civilian control of the military, to strengthening democracy and to reform of the judiciary system, he has not succeeded as well as we had hoped. The State Department has played a constructive role in encouraging reform but the situation continues to deteriorate. How do you propose to approach Guatemala in view of our limited economic aid and military ties with that nation?

Answer. I have not had the opportunity to examine the Guatemala situation in depth, Senator, and thus cannot at this juncture offer any prescriptions for new U.S. policies or strategies to deal with it. I am aware that the process of reform and democratization in Guatemala lags well behind that of many other countries in the region and that our influence there is limited. While exploring other options, I would expect that we will continue to target our economic assistance on the poorest sectors and on promoting judicial and economic reforms and will continue to firmly support the peace process and a negotiated settlement to the 30-year old civil conflict.

HONDURAS

Question. I would also like to draw your attention to a country that is often overlooked in foreign policy overviews—Honduras. As Vermont's partner in the Partners of the Americas program, I have had an interest in Honduras for some time. In spite of steady U.S. efforts to aid Honduras in its quest for development, it remains the second poorest country in the hemisphere. What changes would you propose in U.S. policy towards Honduras so that we can be more effective in promoting democracy, respect for human rights and economic development?

Answer. As with regard to Guatemala, Senator, I have not had the opportunity to seriously examine our relations with Honduras and therefore cannot at this juncture propose to you any policy changes. I appreciate your bringing to my attention your interest in Honduras. As we review our relations with that country in the months ahead we will be pleased to consult with you on how we can be more effective in promoting our interests there.

PREPARED STATEMENT OF SENATOR JEFFORDS

Mr. Chairman: I join my colleagues in welcoming Warren Christopher to this committee. I also join in congratulating him on his selection by President-elect Clinton for this critical and prestigious post. His experience in foreign policy matters and his ability to manage people have clearly earned the deep respect of Bill Clinton. And on those occasions when our paths have crossed over the years, Mr. Christopher has earned my respect as well.

As the Secretary-designate is well aware, this is a time of great opportunity in U.S. foreign policy—and also a time of great challenge. For almost half a century we have carried the burden of world leadership and successfully warded off the threat of nuclear war. And now that the rivalry of the superpowers no longer dominates our foreign policy, we are suddenly free to put our creative energies to work in new ways. And I believe we have an obligation to the American people to make world leadership a positive experience at home. And how do we do this? From my short conversations with him, I believe Mr. Christopher has some very good ideas about how we can do this, but let me just stress several aspects that I feel are important.

First, we have earned the right to concentrate on America. We badly need investment in our economy, our educational system, our infrastructure and our environment. Our future as a nation will be determined by how well we accomplish these tasks. For years I have argued that national security consists of more than just a strong defense, but also a sound economy and a hopeful citizenry.

Secondly, as the world becomes a smaller place, as the economy becomes more global and as grave injustices in far away places demand our involvement, it becomes clear that we cannot realize these hopes for America without interacting with the rest of the world. A sound U.S. economy depends on strong U.S. trade. And a positive environment for international trade requires greater equality in national standards of living, in respect for labor rights, in protection for the environment and investments in the future. The evolution of the former Soviet Union is a vivid exam- [illegible] We have a critical opportunity to encourage democracy and a free market, not just for them, but for us—to ensure that we are not undercut in the world economy by new countries whose businesses may have no obligation to respect the rights of their workers, to protect their environments or to allow free competition.

And lastly, I would urge that Congress and the State Department combine their considerable resources to investigate new ways of maintaining international security. Several of my colleagues have made reference to a possible new system of collective security. I also am interested in ways of using existing organizations such as the United Nations more effectively. We cannot take on sole responsibility for every Somalia, every Yugoslavia or every Iraq. But we can take the lead in developing creative new ways to deal with international disputes and national tragedies. I look forward to working with Mr. Christopher and my colleagues on these issues.

Before I enumerate a few specific questions, I feel obligated to comment on one area of my recent involvement with Mr. Christopher that has been discussed in the press of late. As the Ranking Member on the Near East and South Asian Affairs Subcommittee, I was a member of the Senate October Surprise investigation. In the course of our investigation of the actions of the 1980 Reagan presidential campaign and the Carter Administration relating to the release of the American hostages in Iran, we requested the cooperation of Mr. Christopher. Under oath, he shared with us his recollections of the events of 1980 and early 1981. Mr. Christopher clearly stated that he had no evidence of any attempt by members of the Reagan campaign to delay the release of the hostages, and does not now believe that this occurred. He summarized for the investigation his efforts as President Carter's chief negotiator to obtain the release of the hostages, and we found no reason to doubt the dedication of that effort. I firmly believe that the insinuations that Mr. Christopher may have played politics with the hostages situation or offered a quid pro quo of selling arms to Iran are unfair and unfounded. As far as I know, the House October Surprise task force shares this assessment. Enough said on this issue.

PREPARED STATEMENT OF CARL OLSON, CHAIRMAN, STATE DEPARTMENT WATCH

State Department Watch is a nonpartisan public interest foreign policy watchdog group. It is our intention to present four issues continuing on from the Bush Administration which the nominee Warren Christopher should supply views on.

These issues are (I) the ongoing constitutional crisis and the policy questions surrounding the US-USSR Maritime Boundary Agreement; (II) the failure of the U.S. government to follow up on the Cold War victory to collect funds owed by the former Soviet Union to American citizens and to the U.S. government; (III) the problem of support for foreign slave labor by U.S. companies and the U.S. government; and (IV) the failure to exert maximum exclusive economic zone jurisdiction for all U.S. territory.

I. US-USSR MARITIME BOUNDARY AGREEMENT

This agreement was signed by Secretary of State James A. Baker III on June 1, 1990, approved by the U.S. Senate in September 1991, and ratified by President George Bush in December 1991. It, however, has not been entered into force due to the failure of the USSR to ratify it, and the dissolution of the USSR government. The ongoing constitutional and policy problems with it are as follows:

A. The agreement affects the boundary of Alaska and the land and seabed territory of Alaska. Nevertheless, the negotiations by the Department of State leading up to the agreement did not include any representative of the State of Alaska, and the State of Alaska has not been asked to give its consent to the terms. This exclusion of Alaska has created a constitutional crisis in our federal system of government, whereby the federal government is asserting the power to set a state's boundary and compromise a state's territory, seabeds, and property without the participation or consent of the state. A clear precedent of a state's right in this regard was set in the boundary between Maine and Canada, the negotiations for which required the participation and consent of both Maine and Massachusetts (which had residual interests in the area) and ended up as the Webster-Ashburton Treaty. This principle was very strenuously argued by the state legislatures of Alaska (nearly unanimous) and California (unanimous) which both passed resolutions objecting to this arrogance of power (Alaska Senate Joint Resolution 12, May 1988; and California Senate Joint Resolution 20, September 1991).

B. At the same time of the signing of the US-USSR Maritime Boundary Agreement on June 1, 1990, Secretary Baker and Soviet Foreign Minister Eduard Shevardnadze signed a side agreement as follows: "* * * pending the entry into force of that (US-USSR Maritime Boundary) Agreement, the two Governments agree

to abide by the terms of that Agreement as of June 15, 1990.* * *" Two major constitutional problems are generated by this side agreement:

1. This side agreement was not made public at the time of its signing; it was not mentioned in either the President's transmittal of the agreement to Congress, the Department of State's testimony to the Senate on the agreement, the Committee report on the agreement, or on the floor debate on the agreement. It came to light only after the Senate vote. This omission leads one to question whether the Congress had been misled by the Department of State.

2. The validity of this side agreement is in question. It would seem that an agreement solely by the executive branch with a foreign government cannot result in exactly the same thing that a treaty would be needed for (as was the case with the US-USSR Maritime Boundary Agreement). Otherwise, what necessity would the treaty be? Was the debate and vote on the Maritime Boundary Agreement merely a pointless sham in the eyes of the Department of State, which appears to have been operating under its own side agreement to accomplish exactly the same terms and conditions as the Maritime Boundary Agreement would.

3. The Department of State appears to have been operating under its side agreement and implementing its terms and conditions from June 1990 to the present in the absence of a treaty being entered into force. This raises two major inquiries: (a) exactly what actions and directives have been done to implement the side agreement by the Department of State and other executive branch agencies?, and (b) in the event this side agreement is determined to be unlawful, what personal liability might there be for this misconduct, and what governmental liability might there be for takings of property of individuals and the State of Alaska?

C. The maritime boundary line is drawn in the agreement in such a way as to place eight islands that are arguably part of Alaska on the Soviet side of the line. These are Wrangell, Herald, Bennett, Jeannette, and Henrietta Islands in the Arctic Ocean, and Copper Island, Sea Lion Rock, and Sea Otter Rock at the westernmost end of the Aleutians. Not only does this call into question the wisdom of conceding so much of the exclusive economic zone to the Soviet side (i.e. the 200 nautical mile radius from each of those islands), but it also creates doubts about U.S. and Alaskan sovereignty over these islands and their seabeds. The areas involved are measured in the tens of thousands of square miles, and the seabeds could well contain vast resources of petroleum, fisheries, and other valuable assets.

D. The agreement has a unique provision in it which allows a foreign government to exercise its jurisdiction within the United States. In article 3, paragraph 2, it reads regarding a "western special area" on the U.S. side of the maritime boundary: "* * * the United States agrees that henceforth the Soviet Union may exercise the sovereign rights and jurisdiction derived from the exclusive economic zone jurisdiction that the United States would otherwise be entitled to exercise under international law.* * *" Such a cession of U.S. sovereignty seems to be unwarranted and violating the principle that foreign government should have sovereign rights in the United States only on the grounds of their embassies. Moreover, inasmuch as the Maritime Boundary Agreement has not been entered into force, it bears investigating to determine how the Department of State has implemented this cession of sovereignty under its side agreement, what liability has arisen therefrom.

II. FAILURE TO COLLECT DEBTS FROM THE FORMER SOVIET UNION

Inasmuch as the Cold War was purportedly won for the benefit of the American public, this has not rung true for the American public with regard to collecting monies owed to it by the former Soviet Union.

A. *Debts to Individuals.*—Thousands of claims against the former Soviet Union have been processed through the Foreign Claims Settlement Commission, but the Department of State has not aggressively helped to collect them.

B. *Victims of Shootdown of KAL007.*—The Soviets freely admit to shooting down the civilian airliner, but have ignored any responsibility to compensate the victims' families for loss of life or the airline for the loss of the aircraft. One of the murdered passengers was a U.S. congressman Larry McDonald. The Department of State has not pressed for damages.

C. *World War II Lend-Lease Debt to U.S. Government.*—According to the 1972 agreement with the Soviet Union, the Lend-Lease debt was compromised by the Department of State down from approximately $11.3 billion (with no interest from 1945) to approximately $931 million. The Soviets paid $275 million, and the balance was to be paid when the Soviets obtained most-favored-nation trading status. Several parts of the former Soviet Union have been granted MFN, but the Department of State has not pressed for payment of this Lend-Lease debt.

D. *World War I Debt to the U.S. Government.*—The Russian government debt to the U.S. government during World War I was defaulted by the Soviets in 1918. In the 1930s the Johnson Anti-Default Act was passed to prohibit a foreign country from borrowing in the United States if it is in default to the U.S. government. The Department of State has refused to press for repayment of this World War I debt, which amounts to about $1 billion with interest. Moreover, it lobbied hard to pass a special provision in the "FREEDOM Support Act of 1992" which specifically exempted the former Soviet Union (but no other country) from the Johnson Act.

These failures to collect monies for individuals and for the U.S. taxpayer from the former Soviet Union appear to be a conscious policy of the Department of State. It certainly does not reflect the ability of the former Soviet Union to pay its debts. The former Soviet Union has several billions of dollars in saved defense expenditures now. In addition, several billions of dollars have been sent out of the Soviet Union in recent years to foreign bank accounts and other investments. The Department of State ought to be helping to find those funds and attach them forthwith.

III. SUPPORT FOR SLAVE LABOR IN FOREIGN COUNTRIES

Widespread slave labor exists today in China (with about 15 million in the laogai facilities) and the former Soviet Union (with about 4 million in the gulags).

As we all know, the U.S. constitution outlaws slave labor in the United States, and the Tariff Act of 1930 outlawed the importation of goods made in whole or in part by slave labor.

However, overseas activities of the federal government are not covered by existing legislation. The Department of State (including the Agency for International Development) does not have a policy to avoid buying slave-made goods overseas for use overseas; nor does it recommend that other federal government agencies (such as the Department of Defense) implement an anti-slave labor buying policy for overseas purchasing; nor does it recommend that U.S. companies adopt anti-slave labor policies for overseas purchases for overseas use.

Moreover, the Department of State has been lax in regard to the human rights situation in China and the former Soviet Union to monitor the slave labor facilities there, and to assist the Customs Service in its role in enforcing the ban on slave-made goods. Its "agreement" with the Chinese government regarding the slave labor facilities there lacks any credibility and enforceability. It has no agreement on the subject with the former Soviet Union.

IV. FAILURE TO EXERT MAXIMUM EXCLUSIVE ECONOMIC ZONE JURISDICTION

There are several American islands for which the exclusive economic zone has not been exerted. Failure to assert the EEZ means the United States is denied the utilization of the 200 nautical mile radius from the island, or approximately 125,000 square miles. These islands include the following:

A. Navassa Island (in Caribbean)

B. Washington Island, Fanning Island, Kingman Reef, and Baker Island (in Pacific)

C. Nassau (in vicinity of Northern Territories of Cook)

D. Peaked Island (west of Attu in Aleutians)

E. Copper Island, Sea Lion Rock, and Sea Otter Rock (at western end of Aleutians, part of Alaska purchase)

F. Wrangell, Herald, Bennett, Jeannette, and Henrietta (in Arctic Ocean)

WASHINGTON, DC,
January 14, 1993.

The Honorable CLAIBORNE PELL,
Chairman, Committee on Foreign Relations, U.S. Senate, Washington, DC

DEAR MR. CHAIRMAN: I support the nomination of Warren Christopher to be Secretary of State.

As President Jimmy Carter's Deputy Assistant for Congressional Liaison (Senate), I was involved in a number of foreign policy and national security issues in which then-Deputy Secretary of State Christopher's analyses, decisions and actions had enormous domestic and international implications. He never faltered or wavered. In my view, superlatives cannot adequately describe the depth and breadth of Chris's intelligence, judgment, perseverance and, of course, his personal integrity and sense of propriety.

DEPARTMENT OF STATE
WASHINGTON

June 1, 1990

Excellency:

I have the honor to refer to the Agreement between the United States of America and the Union of Soviet Socialist Republics on the Maritime Boundary, which has been signed by representatives of our two Governments today. I have the further honor to propose that, pending the entry into force of that Agreement, the two Governments agree to abide by the terms of that Agreement as of June 15, 1990.

On the basis of the foregoing, I have the honor to propose to Your Excellency that if the terms stipulated herein are acceptable to the Government of the Union of Soviet Socialist Republics, this note and Your Excellency's reply shall constitute an agreement between the two Governments, which shall enter into force on the day of your reply.

I avail myself of this opportunity to renew to Your Excellency the assurances of my highest consideration.

James A. Baker III

His Excellency
Eduard A. Shevardnadze,
Minister of Foreign Affairs of the
Union of Soviet Socialist Republics.

DEPARTMENT OF STATE
DIVISION OF LANGUAGE SERVICES

(TRANSLATION)

LS NO.
132287
BL
Russian

THE MINISTER OF FOREIGN AFFAIRS
OF THE UNION OF SOVIET SOCIALIST REPUBLICS

Washington, June 1, 1990

Dear Mr. Secretary:

I have the honor to confirm receipt of your note of June 1, 1990 with the following content:

[text of letter from Secretary of State James Baker III to Soviet Foreign Minister Eduard A. Shevardnadze, showing no discrepancies in the two languages]

I have the honor to inform you that the Soviet side expresses its agreement that this note and and Your Excellency's reply shall consitute an agreement between the two Governments which shall enter into force on this day.

I avail myself of this occasion to renew to Your Excellency the assurances of my highest consideration.

[signed] E. Shevardnadze

CERTIFICATION OF TRANSLATION

I hereby certify that the foregoing translation bearing LS No. 132287 was prepared by the Office of Language Services of the Department of State and that it is a correct translation to the best of my knowledge and belief.

Dated: June 5, 1990

Chief, Translating Division

The Alaskan Islands and Oil-Rich Seabed Giveaway Treaty

101ST CONGRESS, 2d Session | SENATE | TREATY DOC. 101-22

AGREEMENT WITH THE UNION OF SOVIET SOCIALIST REPUBLICS ON THE MARITIME BOUNDARY

MESSAGE

FROM

THE PRESIDENT OF THE UNITED STATES

TRANSMITTING

THE AGREEMENT BETWEEN THE UNITED STATES OF AMERICA AND THE UNION OF SOVIET SOCIALIST REPUBLICS ON THE MARITIME BOUNDARY, WITH ANNEX, SIGNED AT WASHINGTON, JUNE 1, 1990

SEPTEMBER 26, 1990.—Agreement was read the first time, and together with the accompanying papers, referred to the Committee on Foreign Relations and ordered to be printed for the use of the Senate.

U.S. GOVERNMENT PRINTING OFFICE
39-118 WASHINGTON : 1990

Reprinted as a public service by:

American Sovereignty Task Force

- NATIONAL CENTER
  Post Office Box 65631
  Washington, D.C. 20035
  703-276-3330
- WEST COAST OFFICE
  Post Office Box 7981
  Northridge, California 91327
  818-886-5710

LETTER OF TRANSMITTAL

THE WHITE HOUSE, *September 26, 1990.*

To the Senate of the United States:

I transmit herewith, for the advice and consent of the Senate to ratification, the Agreement Between the United States of America and the Union of Soviet Socialist Republics on the Maritime Boundary, with Annex, signed at Washington, June 1, 1990. I also enclose for the information of the Senate the report of the Department of State with respect to this agreement and an illustrative chart of the maritime boundary.

In the agreement, the Parties agree that the line described in Article 1 of the Convention Ceding Alaska, signed March 30, 1867 (the 1867 Convention Line), is, as defined in the agreement, the maritime boundary between the United States and the Soviet Union. As such, it defines the limits within which each Party may exercise territorial sea jurisdiction or exclusive economic zone jurisdiction in those areas where their claimed 12 nautical mile territorial seas or 200 nautical mile exclusive economic zones would otherwise overlap or were otherwise in dispute. It also delimits, as between the Parties, such continental shelf jurisdiction beyond 200 nautical miles from their coasts as they may exercise in accordance with international law in the Arctic Ocean, Bering and Chukchi Seas, and a portion of the North Pacific Ocean.

I believe the agreement to be fully in the United States interest. It reflects the view of the United States that the maritime boundary should follow the 1867 Convention Line. The agreement resolves differences over where each Party has the right to manage fisheries and oil and gas exploration and development, as well as exercise other sovereign rights and jurisdiction, in these marine areas. Through its transfer of jurisdiction provisions, it also ensures that coastal state jurisdiction, in accordance with international law, is exercised by one or the other Party in all marine areas within 200 nautical miles of either or both coasts. Therefore, the agreement will permit more effective regulation of marine resource activities and other ocean uses and removes a significant potential source of dispute between the United States and the Soviet Union.

I recommend that the Senate give early and favorable consideration to this agreement and advise and consent to ratification.

GEORGE BUSH.

LETTER OF SUBMITTAL

DEPARTMENT OF STATE,
Washington, September 6, 1990.

The PRESIDENT,
The White House.

THE PRESIDENT: I have the honor to submit to you, with a view to the transmittal to the Senate for its advice and consent to ratification, the Agreement between the United States of America and the Union of Soviet Socialist Republics on the Maritime Boundary, with Annex, signed at Washington, June 1, 1990. The Agreement establishes the maritime boundary between the United States and the Soviet Union in the North Pacific Ocean, Bering and Chukchi Seas and the Arctic Ocean. Also enclosed for the information of the Senate is an illustrative chart of the maritime boundary.

The maritime boundary defines the limits within which each Party may exercise territorial sea jurisdiction or exclusive economic zone jurisdiction in these areas where their claimed 12 nautical mile territorial seas or 200 nautical mile exclusive economic zones would otherwise overlap or were otherwise in dispute. It also delimits, as between the Parties, such continental shelf jurisdiction beyond 200 nautical miles from their coasts as they may exercise in accordance with international law in the Arctic Ocean, Bering and Chukchi Seas and a portion of the North Pacific Ocean.

As such, the Agreement resolves differences with respect to where each Party has the right to manage fisheries and oil and gas exploration and development, as well as exercise other sovereign rights and jurisdiction that both Parties claimed, in these marine areas. Through its transfer of jurisdiction provisions, it also ensures that coastal state jurisdiction, in accordance with international law, is exercised by one or the other Party in all marine areas within 200 nautical miles of either or both coasts. The Agreement, therefore, will permit more effective regulation of marine resource activities and certain other ocean uses and removes a significant potential source of dispute between the United States and the Soviet Union.

Negotiations on the maritime boundary were initiated in 1981 and continued over the following nine years. The negotiations addressed a number of significant issues. First, the Parties needed to agree on the basis for defining the limits of their maritime jurisdiction, where such jurisdiction permitted under international law would otherwise overlap. The United States regarded the line described in Article 1 of the Convention Ceding Alaska, signed March 30, 1867 (the 1867 Convention Line) as the maritime boundary and sought Soviet agreement on this position.

Second, the two sides applied differing cartographic techniques to depict the 1867 Convention Line. General United States practice

was to use arcs of great circles that best approximate the shortest distance between points on the surface of the earth. They appear as straight lines on a conic projection of the earth. General Soviet practice was to use a rhumb line, a line of constant compass bearing that appears as a straight line on a Mercator projection. There was also disagreement over the geographic location of one of the points described in the 1867 Convention as a basis for constructing the Convention Line. These differences resulted in the existence of a chord-shaped area in the Bering Sea—approximately 18,000 square nautical miles—that each side asserted to be on its side of the Convention Line.

Third, the Parties needed to define the limits of their respective maritime jurisdictions in the large area of the Bering Sea beyond 200 nautical miles of the coasts of both nations, subject to continental shelf, but not exclusive economic zone claims, and most of which lies on the United States sides of the Convention Line, however, depicted.

Fourth, there are areas on the U.S. side of the Convention Line (however depicted) that lie within 200 nautical miles of the Soviet coast but beyond 200 nautical miles of the U.S. coast, and one area (in the Bering Sea) on the Soviet side of the Convention Line that lies within 200 nautical miles of the U.S. coast but beyond 200 nautical miles of the Soviet coast. These areas are referred to as "special areas" in the Agreement. Simple use of the Convention Line as the maritime boundary, would have cut off or prevented exclusive economic zone claims in special areas by one Party where the other Party could not make such claims. This would have resulted in the fishery resources of the waters of these areas being subject to neither side's jurisdiction.

In resolving these issues, the Parties agreed that the line described in the 1867 Convention is the boundary throughout its entire length and agreed upon a common cartographic depiction of the Line. In addition, the Agreement provides for the transfer of sovereign rights and jurisdiction in the special areas from the Party that could claim such rights and jurisdiction in the absence of agreement of the Parties on the maritime boundary to the Party that could not. The transfer of jurisdiction provisions allow the Parties to achieve their common interest in assuring that all waters within 200 nautical miles of either or both coasts are subject to the fisheries jurisdiction of one or the other Party.

The boundary is drawn so as to lie between the differing U.S. and Soviet depictions of the Convention Line and is so located that each Party receives one-half of the aggregate of the areas in the Bering Sea in which the assertion of exclusive economic zone jurisdiction by either or both parties was disputed (that area lying between the differing depictions of the Convention Line plus the Bering Sea special areas).

Conclusion of the Agreement also required significant technical work. The United States and Soviet Union use different reference systems (datums) for locating points on the surface of the earth. Accurate delineation of the boundary called for determining the exact location of the base points on each coast from which to construct the line. This determination involved conversion of cartographic values to a commom datum (the World Geodetic System

1984) as well as agreement on the specific geographic coordinates of the relevant base points on such datum.

The preamble to the Agreement recalls the 1867 Convention and expresses the desire of the two Parties to resolve issues concerning their maritime boundary. It also sets forth their objective of ensuring that where coastal state jurisdiction could be exercised in the absence of a maritime boundary by either Party in accordance with international law, such jurisdiction is exercised by either the United States or the Soviet Union.

Article 1 records the agreement of the Parties that the line described as the "western limit" in the 1867 Convention (the 1867 Convention Line) is the maritime boundary. It also describes the legal effect of the boundary, obligating each Party to respect the boundary as limiting the extent of its coastal state jurisdiction otherwise permitted by international law for any purpose. It thereby settles the issue of where each side may, consistent with international law, manage offshore resources (the fishery resources of the waters as well as the oil and gas and other resources of the seabed and subsoil) and other oceans uses in marine areas that both claimed or could have claimed.

Article 2 describes the maritime boundary and indicates that it is defined by lines connecting geographic positions set forth in an Annex, which is an integral part of the Agreement.

The maritime boundary proceeds north and south of the Bering Strait from the mid-point between Big Diomede Island (Soviet) and Little Diomede Island (U.S.). North of the Strait, the boundary extends due north along the meridian of this mid-point as far as permitted under international law.

South of the Strait, the boundary generally extends from the same mid point southwestward to 167 degrees East Longitude (the end point of the Convention Line, as described in the 1867 Convention). This end point lies slightly beyond 200 nautical miles of the respective coasts of the United States and the Soviet Union.

Article 3 provides for the transfer of jurisdiction in special areas. By its terms, each Party agrees that with respect to special areas the sovereign rights and jurisdiction derived from exclusive economic jurisdiction that it could otherwise exercise in the absence of the agreement of the Parties on the maritime boundary may henceforth be exercised by the other Party. In effect, the Soviet Union agrees to the exercise of such rights by the United States in the three eastern special areas (the two in the Bering Sea and the one in the Chukchi Sea) and the United States agrees to the exercise of such rights by the Soviet Union in the one western special area (in the Bering Sea). (In light of the United States position that the Convention Line is the maritime boundary, the United States had never asserted fishery or continental shelf jurisdiction in the western special area.)

Article 3 makes clear that the exercise by either Party of sovereign rights and jurisdiction in the special areas does not constitute unilateral extension of coastal state exclusive economic zone jurisdiction beyond 200 nautical miles of its coasts. The transfer of exclusive economic zone sovereign rights and jurisdiction in the special areas is possible because these areas lie within 200 nautical miles of the coast of one of the Parties and that Party has, through

this Agreement, consented to the exercise by the other Party of such sovereign rights and jurisdiction in these areas. Each Party is obligated to ensure that any special area in which it exercises such rights and jurisdiction is characterized in its laws and legislation, and is represented on its charts, in a manner to distinguish it from the exclusive economic zone of that Party.

The exercise by the United States of the sovereign rights and jurisdiction transferred by the Soviet Union in the eastern special areas will require enactment of legislation by the Congress at least with respect to certain kinds of authority (e.g., fisheries).

Article 4 contains a disclaimer to make clear that the maritime boundary does not affect or prejudice either Party's position with respect to the rules of international law relating to the law of the sea.

Article 5 defines coastal state jurisdiction as referring to sovereignty, sovereign rights, or any other form of jurisdiction with respect to the waters or seabed and subsoil that may be exercised by a coastal state in accordance with the international law of the sea. The Agreement does not affect the right of hot pursuit under the international law of the sea.

Article 6 calls for any dispute over the interpretation of the Agreement to be resolved by negotiation or other peaceful means agreed by the Parties.

Article 7 provides that the Agreement will enter into force on the date of exchange of instruments of ratification.

I recommend that the Agreement between the United States of America and the Union of Soviet Socialist Republics on the Maritime Boundary be transmitted to the Senate as soon as possible for its advice and consent to ratification.

Respectfully submitted,

JAMES A. BAKER III.

AGREEMENT
BETWEEN
THE UNITED STATES OF AMERICA
AND
THE UNION OF SOVIET SOCIALIST REPUBLICS
ON THE MARITIME BOUNDARY

The United States of America and the Union of Soviet Socialist Republics (hereinafter "the Parties"),

Recalling the U.S. - Russia Convention of March 18/30, 1867 (hereinafter "the 1867 Convention"),

Desiring to resolve issues concerning the maritime boundary between the United States and the Soviet Union,

Desiring to ensure that coastal state jurisdiction is exercised in all maritime areas in which such jurisdiction could be exercised for any purpose by either of the Parties, in accordance with international law, in the absence of a maritime boundary,

Have agreed as follows:

ARTICLE 1

1. The Parties agree that the line described as the "western limit" in Article 1 of the 1867 Convention, as defined in Article 2 of this Agreement, is the maritime boundary between the United States and the Soviet Union.

2. Each Party shall respect the maritime boundary as limiting the extent of its coastal state jurisdiction otherwise permitted by international law for any purpose.

ARTICLE 2

1. From the initial point, 65° 30' N., 168° 58' 37" W., the maritime boundary extends north along the 168° 58' 37" W. meridian through the Bering Strait and Chukchi Sea into the Arctic Ocean as far as permitted under international law.

2. From the same initial point, the maritime boundary extends southwestward and is defined by lines connecting the geographic positions set forth in the Annex, which is an integral part of this Agreement.

3. All geographic positions are defined in the World Geodetic System 1984 ("WGS 84") and, except where noted, are connected by geodetic lines.

ARTICLE 3

1. In any area east of the maritime boundary that lies within 200 nautical miles of the baselines from which the

breadth of the territorial sea of the Soviet Union is measured but beyond 200 nautical miles of the baselines from which the breadth of the territorial sea of the United States is measured ("eastern special area"), the Soviet Union agrees that henceforth the United States may exercise the sovereign rights and jurisdiction derived from exclusive economic zone jurisdiction that the Soviet Union would otherwise be entitled to exercise under international law in the absence of the agreement of the Parties on the maritime boundary.

2. In any area west of the maritime boundary that lies within 200 nautical miles of the baselines from which the breadth of the territorial sea of the United States is measured but beyond 200 nautical miles of the baselines from which the breadth of the territorial sea of the Soviet Union is measured ("western special area"), the United States agrees that henceforth the Soviet Union may exercise the sovereign rights and jurisdiction derived from exclusive economic zone jurisdiction that the United States would otherwise be entitled to exercise under international law in the absence of the agreement of the Parties on the maritime boundary.

3. To the extent that either Party exercises the sovereign rights or jurisdiction in the special area or areas on its side of the maritime boundary as provided for in this Article, such exercise of sovereign rights or jurisdiction derives from the agreement of the Parties and does not constitute an extension of its exclusive economic zone. To this end, each Party shall take the necessary steps to ensure that any exercise on its part of such rights or jurisdiction in the special area or areas on its side of the maritime boundary shall be so characterized in its relevant laws, regulations, and charts.

ARTICLE 4

The maritime boundary as defined in this Agreement shall not affect or prejudice in any manner either Party's position with respect to the rules of international law relating to the law of the sea, including those concerned with the exercise of sovereignty, sovereign rights or jurisdiction with respect to the waters or seabed and subsoil.

ARTICLE 5

For the purposes of this Agreement, "coastal state jurisdiction" refers to the sovereignty, sovereign rights, or any other form of jurisdiction with respect to the waters or seabed and subsoil that may be exercised by a coastal state in accordance with the international law of the sea.

ARTICLE 6

Any dispute concerning the interpretation or application of this Agreement shall be resolved by negotiation or other peaceful means agreed by the Parties.

ARTICLE 7

This Agreement shall be subject to ratification and shall enter into force on the date of exchange of instruments of ratification.

IN WITNESS WHEREOF, the duly authorized representatives of the Parties have signed the present Agreement.

DONE at Washington, this First day of June, 1990, in duplicate, in the English and Russian languages, each text being equally authentic.

FOR THE UNITED STATES OF AMERICA:

James A. Baker III

FOR THE UNION OF THE SOVIET SOCIALIST REPUBLICS:

Eduard Shevardnadze

ANNEX

The geographic positions set forth in this Annex are on the World Geodetic System 1984 ("WGS 84") and, except where noted, are connected by geodetic lines. One nautical mile equals 1,852 meters.

The maritime boundary is defined as follows:

From the initial point, 65° 30' N., 168° 58' 37" W., the maritime boundary extends north along the 168° 58' 37" W. meridian through the Bering Strait and Chukchi Sea into the Arctic Ocean as far as permitted under international law.

From the same initial point, the maritime boundary extends southwestward connecting the following geographic positions:

2. 65° 19' 58" N., 169° 21' 38" W.
3. 65° 09' 51" N., 169° 44' 34" W.
4. 64° 59' 41" N., 170° 07' 23" W.
5. 64° 49' 26" N., 170° 30' 06" W.
6. 64° 39' 08" N., 170° 52' 43" W.
7. 64° 28' 46" N., 171° 15' 14" W.
8. 64° 18' 20" N., 171° 37' 40" W.
9. 64° 07' 50" N., 172° 00' 00" W.
10. 63° 59' 27" N., 172° 18' 39" W.

11. 63° 51' 01" N., 172° 37' 13" W.
12. 63° 42' 33" N., 172° 55' 42" W.
13. 63° 34' 01" N., 173° 14' 07" W.
14. 63° 25' 27" N., 173° 32' 27" W.
15. 63° 16' 50" N., 173° 50' 42" W.
16. 63° 08' 11" N., 174° 08' 52" W.
17. 62° 59' 29" N., 174° 26' 58" W.
18. 62° 50' 44" N., 174° 44' 59" W.
19. 62° 41' 56" N., 175° 02' 56" W.
20. 62° 33' 06" N., 175° 20' 48" W.

21. 62° 24' 13" N., 175° 38' 36" W.
22. 62° 15' 17" N., 175° 56' 19" W.
23. 62° 06' 19" N., 176° 13' 59" W.
24. 61° 57' 18" N., 176° 31' 34" W.
25. 61° 48' 14" N., 176° 49' 04" W.
26. 61° 39' 08" N., 177° 06' 31" W.
27. 61° 29' 59" N., 177° 23' 53" W.
28. 61° 20' 47" N., 177° 41' 11" W.
29. 61° 11' 33" N., 177° 58' 26" W.
30. 61° 02' 17" N., 178° 15' 36" W.
31. 60° 52' 57" N., 178° 32' 42" W.
32. 60° 43' 35" N., 178° 49' 45" W.
33. 60° 34' 11" N., 179° 06' 44" W.
34. 60° 24' 44" N., 179° 23' 38" W.
35. 60° 15' 14" N., 179° 40' 30" W.
36. 60° 11' 39" N., 179° 46' 49" W.;

thence, it extends along an arc with a radius of 200 nautical miles and a center at 60° 38' 23" N., 173° 06' 54" W. to

37. 59° 58' 22" N., 179° 40' 55" W.;

thence, it extends southwestward along the rhumb line, defined by the following points: 64° 05' 08" N., 172° 00' 00" W., 53° 43' 42" N., 170° 18' 31" E. to

38. 58° 57' 18" N., 178° 33' 59" E.;

thence, it extends along an arc with a radius of 200 nautical miles and a center at 62° 16' 09" N., 179° 05' 34" E. to

39. 58° 58' 14" N., 178° 15' 05" E.
40. 58° 57' 58" N., 178° 14' 37" E.

41. 58° 48' 06" N., 177° 58' 14" E.
42. 58° 38' 12" N., 177° 41' 53" E.
43. 58° 28' 16" N., 177° 25' 34" E.
44. 58° 18' 17" N., 177° 09' 18" E.
45. 58° 08' 15" N., 176° 53' 04" E.
46. 57° 58' 11" N., 176° 36' 52" E.
47. 57° 48' 04" N., 176° 20' 43" E.
48. 57° 37' 54" N., 176° 04' 35" E.
49. 57° 27' 42" N., 175° 48' 31" E.
50. 57° 17' 28" N., 175° 32' 28" E.

51. 57° 07' 11" N., 175° 16' 27" E.
52. 56° 56' 51" N., 175° 00' 29" E.
53. 56° 46' 29" N., 174° 44' 32" E.
54. 56° 36' 04" N., 174° 28' 38" E.
55. 56° 25' 37" N., 174° 12' 46" E.
56. 56° 15' 07" N., 173° 56' 56" E.
57. 56° 04' 34" N., 173° 41' 08" E.
58. 55° 53' 59" N., 173° 25' 22" E.
59. 55° 43' 22" N., 173° 09' 37" E.
60. 55° 32' 42" N., 172° 53' 55" E.

61. 55° 21' 59" N., 172° 38' 14" E.
62. 55° 11' 14" N., 172° 22' 36" E.
63. 55° 00' 26" N., 172° 06' 59" E.
64. 54° 49' 36" N., 171° 51' 24" E.
65. 54° 38' 43" N., 171° 35' 51" E.

66. 54° 27' 48" N., 171° 20' 20" E.
67. 54° 16' 50" N., 171° 04' 50" E.
68. 54° 05' 50" N., 170° 49' 22" E.
69. 53° 54' 47" N., 170° 33' 56" E.
70. 53° 43' 42" N., 170° 18' 31" E.

71. 53° 32' 46" N., 170° 05' 29" E.
72. 53° 21' 48" N., 169° 52' 32" E.
73. 53° 10' 49" N., 169° 39' 40" E.
74. 52° 59' 48" N., 169° 26' 53" E.
75. 52° 48' 46" N., 169° 14' 12" E.
76. 52° 37' 43" N., 169° 01' 36" E.
77. 52° 26' 38" N., 168° 49' 05" E.
78. 52° 15' 31" N., 168° 36' 39" E.
79. 52° 04' 23" N., 168° 24' 17" E.
80. 51° 53' 14" N., 168° 12' 01" E.

81. 51° 42' 03" N., 167° 59' 49" E.
82. 51° 30' 51" N., 167° 47' 42" E.
83. 51° 19' 37" N., 167° 35' 40" E.
84. 51° 11' 22" N., 167° 26' 52" E.;

thence, it extends along an arc with a radius of 200 nautical miles and a center at 54° 20' 42" N., 168° 05' 25" E. to

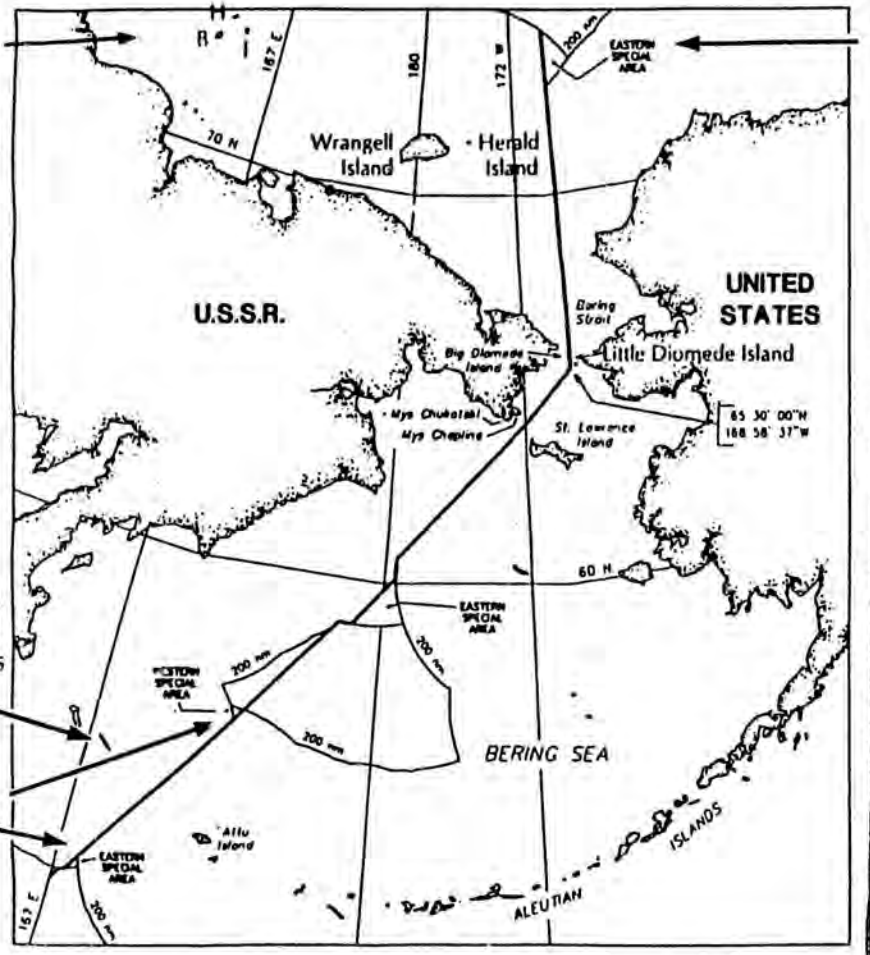
85. 51° 12' 17" N., 167° 15' 35" E.
86. 51° 09' 09" N., 167° 12' 00" E.
87. 50° 58' 39" N., 167° 00' 00" E.

The maritime boundary cuts off part of the western reef of Little Diomede Island.

This Eastern Special Area is based on Soviet sovereignty on Herald Island.

UNITED STATES - U.S.S.R. MARITIME BOUNDARY

The DeLong Islands of Henrietta, Bennett, and Jeannette



Copper Island, Sea Otter and Sea Lion Rocks

These Western and Eastern Areas are based on Soviet sovereignty on Copper Island.

The Soviets get "sovereign rights and jurisdiction" over the three Eastern Special Areas.

(Comments by American Sovereignty Task Force)

FISCAL NOTE

STATE OF ALASKA
1995 LEGISLATIVE SESSION

BILL NO. HJR 22

Revision Date:
Title: "Relating to the maritime boundary between Alaska and the former Union of Soviet Socialist Republics"
Sponsor: Representative Vezey
Requester: Governor's Office

Dept. Affected: Department of Law
BRU: Legal Services
Component: Operations
COMPONENT SERIAL NO. 0093

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL	150.0	0.0	0.0	0.0	0.0	0.0
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	150.0	0.0	0.0	0.0	0.0	0.0
CAPITAL EXPENDITURES						
CHANGE IN REVENUES ( )						

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	150.0	0.0	0.0	0.0	0.0	0.0
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	150.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY95) cost: $ 0.0

POSITIONS

FULL-TIME	0.0	0.0	0.0	0.0	0.0	0.0
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

HJR 22 declares that because the proposed United States - U.S.S.R. Maritime Boundary Agreement was not put into force before the dissolution of the U.S.S.R., the agreement does not have legal force, and any agreement on a maritime boundary between Alaska and eastern Russia must be negotiated anew with whatever new foreign government has sovereignty at the time. The resolution further declares that for such an agrement to be negotiated by the United States government, Alaska must be formally represented in the negotiations and its consent obtained. HJR 22 also requests that the Governor, in consultation with the Attorney General, prepare and provide to the Legislature, within 120 days after passage of the resolution, a study of the legal aspects of the maritime boundary proposed in the Agreement in order to determine the following:

Prepared by: Richard I. Pegues, Director — Phone: 465-3672
Division: Administrative Services Division — Date: 2/6/95

Approved by Commissioner: Bruce M. Botelho, Attorney General (Richard I. Pegues for) — Date: 2/6/95
Agency: Department of Law

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ANALYSIS CONTINUATION:

(1) what effect the boundary would have had on the state's sovereignty over Wrangell, Herald, Bennett, Jeannette, and Henrietta Islands in the Arctic, over Copper Island, Sea Otter Rock, and Sea Lion Rock on the western end of the Aleutian Chain, and over Little Diomede Island in the Bering Strait;

(2) what effect, including an appraisal of the dollar values involved, the proposed boundary would have had on the state' property interests in the areas in (1) identified above and their territorial seas and seabeds;

(3) what legal actions Alaska could take to prevent the usurpation, abrogation, or cession of state sovereignty over these islands and their territorial seas and seabeds and to recover just compensation for the taking of Alaska property if attempts are made to enforce the proposed maritime boundary.

Finally, HJR 22 requests the U.S. Department of State to reveal any and all acts, directives, and reports regarding implementation of the side agreement, signed by then Secretary of State James A. Baker III and that bound the United States and the U.S.S.R. to abide by the proposed agreement until it was put into force, and respectfully requests the Governor and the Attorney General to investigate whether any actions in this matter may have violated state law and to report on their findings to the Legislature within 120 days after passage of HJR 22.

The actions requested of the Governor and the Attorney General involves issues of international law and records of transactions that are available only in Washington, D.C. Therefore the Department of Law will require the services of an international law expert resident in Washington, D.C. to fulfill the request. The amount involved in this fiscal note will purchase about 500 hours of such an expert's time.

FISCAL NOTE

STATE OF ALASKA
1995 LEGISLATIVE SESSION

BILL NO. HJR 22

Revision Date: _____

Department Affected: Office of the Governor

Title: "A Resolution Relating to the maritime boundaries between Alaska and the former Union of Soviet Socialist Republics".

BRU: All BRUs

Component: All Components

Sponsor: Representatives Vezey, Ogan, Toohey

Requestor: _____

COMPONENT SERIAL NO. _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL	0	0	0	0	0	0
CONTRACTUAL	0	0	0	0	0	0
SUPPLIES	0	0	0	0	0	0
EQUIPMENT	0	0	0	0	0	0
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0
CAPITAL EXPENDITURES						
CHANGE IN						
FUND SOURCE						
1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
OTHER						
TOTAL	0	0	0	0	0	0
POSITIONS						
FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of any current year (FY95) cost: _____

ANALYSIS: (Attach a separate page if necessary.)
No fiscal impact

Prepared by: Michael A. Nizich, Director
Division: Division of Administrative Services
Phone: 465-3876
Date: 1/31/95

Approved by Commissioner: Jim Ayers, Chief of Staff
Agency: Office of the Governor
Date: _____

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Rev 11/93

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Representative Al Vezey

MEMORANDUM

January 30, 1995

TO: **Rep. Ramona Barnes, Chair, WTR Committee**

FROM: **Rep. Al Vezey**

SUBJECT: **Scheduling of Bill for public hearing.**

Please schedule HJR-22 for a public hearing at your earliest convenience.